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Mar. 1990 - May 1990

URBAN/MUNICIPAL

PLANNING AND DEVELOPMENT
COMMITTEE CITY OF HAMILTON

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APR 2 - 1990

GOVERNMENT DOCUMENTS

1990 March 29th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 April 4th
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD
IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.

A G E N D A

1. Minutes of the meeting held Wednesday, 1990 March 7th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.
3. Appointment of Inspectors under The Building Code Act.
4. Proposed Increase for 1990 - Building Department Permit Fees and Other Charges.

REFERRAL FROM CITY COUNCIL

5. Cash-in-lieu Policy - City Parking Requirements.

I

DIRECTOR OF COMMUNITY DEVELOPMENT

6. Phase IV of the Downtown Action Plan, Implementation of Sanitation Study Recommendations; Public Service Announcement (P.S.A.).
7. Crown Point West/Stipeley P.R.I.D.E. Programme; Glendale Spinning Mills Loading Area Access Problems adjacent to Belview Park.
8. Commercial Facade Loan Programme - 80-82 James Street North.
9. Ontario Home Renewal Programme - Registration of Loan on Tax Rolls (Private and Confidential)
10. Main Street West Road Reconstruction - Western Gateway to Hamilton.

MANAGER OF PURCHASING

11. Supply and Delivery of Office Furniture - Community Development Department.

DIRECTOR OF LOCAL PLANNING

12. Central Business District Study - Stage II Funding.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

13. Lease Agreement - Pigott Lobby Windows.
14. Heritage Easement - Stinson Street School.

ALDERMAN J. SMITH

15. Authorization for staff to attend - O.M.B. Hearing - Land Division Committee decision - 734 Seventh Avenue.

ALDERMAN D. ROSS

16. Authorization to hold an evening meeting of the Planning and Development Committee - Upper James Street Land Use Review.

10:00 O'CLOCK A.M.

DELEGATION

17. Strathcona Fire Hall Action Committee - Relocation to Victoria Park - Zoning Change Request.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

18. Zoning Application 90-03, A. Kumer, owner, for a further modification to the "HH" District for property at 41 Rymal Road West; Kennedy East Neighbourhood.
19. Zoning Application 89-133, F. Manganiello, owner, for a change in zoning from "L-mr-2" to "H" modified, for properties at 87, 89, 91, 93, 95 Wellington Street North and 216 Wilson Street; Beasley Neighbourhood.
20. Zoning Application 89-126, The Ukrainian Villa of the Resurrection Church in Hamilton, owner/lessee, for a modification and change in zoning for land in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road; Thorner Neighbourhood.
 - (a) Letter of Submission - E.A. Dowler, 395 Mohawk Road East.

10:45 O'CLOCK A.M.

21. Zoning Application 90-05, Beckville Holdings Limited, prospective owner, for a change in zoning from "E-3" modified to "H1" modified and a further modification to the "H1" District for land in the block bounded by Main Street West, Caroline Street South, George Street and Hess Street South; Central Neighbourhood.
 - (a) Letter of Submission - D.E. McCoy, 32 Hess Street South.
- 22.(a) Changes to the Crerar Neighbourhood Plan. (P5-2-33)
 - (b) Subdivision Application 89-21 and Zoning Application 89-98, 89-131 and 89-132 for changes in zoning from "AA" to "A", "C", "R-4", "RT-20", "RT-30" and "E-2" for land on the east side of Upper Wellington Street and south of the proposed Mountain Freeway; Crerar Neighbourhood.
 - (i) Letter of Submission - Red-D-Mix Concrete Co. and Standard Paving Co.

11:00 O'CLOCK A.M.

23. Zoning Application 89-55, Meridian Co-operative Homes/Home Starts Inc., prospective owner, for a change in zoning from "K" to "E" modified, for property at 286 Sanford Avenue North; Gibson Neighbourhood.

(a) Letter of Submission - S. Joginder.

(b) Letter of Submission - Housing Help Centre.

24. City Initiative 90-B - Amendments to the "F-3" and "F-4" District regulations.

11:15 O'CLOCK A.M.

25. Walkway Closure between Cranbrook Drive and Gardiner Drive; Gilkson Neighbourhood.

26. Amendment to By-law No. 88-135 - 1489-1545 Upper James Street; Ryckman's Neighbourhood. (ZA-87-84).

27. Other Business.

28. Adjournment.

Wednesday, 1990 March 7
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman D. Drury
Alderman M. Kiss
Alderman H. Merling
Alderman D. Christopherson
Alderman D. Ross

Regrets: Alderman F. Lombardo, Vice-Chairman - Family
Business

Also present: Alderman B. Hinkley
Alderman D. Agostino
Mr. A. Georgieff, Director of Local Planning
Mr. J. Swartz, Regional Planning Department
Mr. D. Pickard, Building Department
Mr. P. Lampman, Building Department
Mr. D. Kelterborn, Hamilton Board of Education
Mr. B. Allick, Building Department
Mr. M. Watson, Real Estate Division, Property
Department
Mr. K. Brenner, Regional Engineering Department
Mr. D. Powers, City Solicitor's Office
Mr. D. Vyce, Director of Property
Mrs. N. Chapple, Architectural Historian,
L.A.C.A.C., Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Mallard, Planning Department
Mr. P. Baker, General Manager, Parking Authority
Mr. D. Godley, Planning Department
Ms. C. Baggio, Mohawk College Student
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held
Wednesday, 1990 February 7 and approved these minutes.

Minutes - 1990
February 7th.

The Committee was in receipt of a report from the Building Commissioner
dated 1990 March 1, respecting Demolition Permit Applications.

Demolition Permit
Applications.

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition
permits for the following properties:

- (a) 240 Quigley Road
- (b) 244 Quigley Road

The Committee was in receipt of a report from the Building Commissioner
dated 1990 February 21, respecting the 1990 Annual Conference of the
Ontario Association of Committees of Adjustment.

1990 Annual Conference -
Ontario Association of
Committees of
Adjustment.

The Committee approved the following:

That two members of the Committee of Adjustment be authorized to
attend the 1990 Annual Conference of the Ontario Association of
Committees of Adjustment and Consent Authorities to be held for 3
days in June in Sault Ste. Marie, Ontario at an expense not
exceeding \$1,000. each to be charged to Account No. CH 55201
10010, Legislative Travelling.

Demolition -266-280
King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 1, respecting demolition for property at 266-280 King Street East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 February 28, respecting demolition permit for property at 270-280 King Street East.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1990 February 28, respecting demolition of property at 260 King Street East.

The Committee then approved the following:

That no demolition permit be issued for the properties located at 270-280 King Street East until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with S33(6) of the Planning Act.

NOTE: City Council at its meeting held Tuesday, 1989 July 25 approved Section 13 of the Seventeenth Report for 1989 of the Planning and Development Committee which also applied the conditions of the Demolition Control By-laws on the properties located at 266-268 King Street East. Both applications will, however, have to be approved by the Planning and Development Committee, under the provisions of the Rental Housing Protection Act, as the upper floors of 266-268 and 270-280 serve a residential use.

Proposed Draft Plan
of Condominium - west
side of Quigley Road,
south of Albright
Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 23, respecting Proposed Draft of Condominium for property located at the west side of Quigley Road, south of Albright Road.

The Committee approved the following:

That approval be given to Proposed Draft Plan of Condominium Application SA-89-34, "Krystle Manor" Nestex Developments Ltd., owner, to establish a draft plan of condominium located at the west side of Quigley Road, south of Albright Road, subject to the following conditions:

- (a) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1989 November 29.
- (b) That the plan be revised to show modifications as required for truck manoeuvring.
- (c) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Resolution - Cambridge -
Mandatory attendance
at L.A.C.A.C.
Technical Workshops.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 February 28, respecting resolution by Cambridge City Council - mandatory attendance at L.A.C.A.C. Technical Workshops.

The Committee approved the following:

- (a) That the City of Hamilton endorse the resolution, as shown on the attached marked as Appendix "A", adopted by Cambridge City Council respecting mandatory attendance at L.A.C.A.C. Technical Workshops; and,
- (b) That a copy of City Council's endorsement of this resolution be forwarded to Ms. Mary Lou Evans, L.A.C.A.C. Advisor, Ministry of Culture and Communications:

NOTE: The Cambridge resolution requests the reduction in the number of L.A.C.A.C. members required to attend the Ministry of Culture and Communications' Technical Workshops from three to one. Currently a minimum of 3 L.A.C.A.C. members must attend these Workshops in order for the Municipality to qualify for the Provincial Designated Property Grant Programme.

The Committee was in receipt of a report from the Director of Property dated 1990 February 15, respecting Release of Building Covenants for property at 1276 Stone Church Road East.

Release of Building
Covenants - 1276 Stone
Church Road East.

The Committee approved the following:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to Shurguard Mini Storage (Hamilton) Inc., owner, of 1276 Stone Church Road East, to release the property from construction covenants to the City as contained in Deed Instrument 463048 C.D. registered on 1988 June 28.

The Committee was in receipt of a report from the Director of Property dated 1990 February 28, respecting Release of Building Covenants for property at 1154 Rymal Road East.

Release of Building
Covenants - 1154
Rymal Road East.

The Committee approved the following:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 1154 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument 193509 L.T. and 193510 L.T., registered on 1987 July 30.

The Committee was in receipt of a report from the Director of Property and Co-Ordinator of Lloyd D. Jackson Square dated 1990 February 28, respecting Proposed Expansion of Retail Space - Lloyd D. Jackson Square York Boulevard Frontage - Restaurant and Health Club.

Proposed Expansion of
Retail Space - Lloyd
D. Jackson Square -
York Blvd. Frontage -
Restaurant and
Health Club.

The Committee approved the following:

- (a) That the Corporation of the City of Hamilton enter into a Lease Amending Agreement dated 1990 February 24, with Second Phase Civic Square Limited, Yale Properties Ltd., and Greater Hamilton Developers Limited in the form attached hereto as Appendix "B", which amends the Ground Lease between the City, Second Phase and Yale dated 1975 November 19, and registered on 1976 August 16, and grants formal approval to Second Phase, Yale and Greater Hamilton to their proposed plans to alter the Improvements as defined in the Ground Lease by expanding same over a portion of Additional Lands (situated on the south side of York Boulevard between Copps Coliseum and the Central Library) to create retail space to house a restaurant at grade level and a health club at the basement level and that the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

By entering into this Agreement, the City in its capacity as Lessor under the Ground Lease hereby grants its approval:

- (i) To the plans and drawings of the said alterations and expansion of the retail space contemplating the creation of an additional building coverage of 13,987 square feet to house a restaurant and health club;
- (ii) To the construction of the alterations in accordance with the said plans and the Ground Lease, provided the improvements are not commenced until the Agreement is fully executed and registered;
- (iii) To the changes to the external appearance of the Improvements resulting from the expansion of the retail space;

Mr. Peter Schaller, owner of the property spoke to the Committee and indicated that discussions with his neighbours have revealed that there are many duplexes and triplexes existing in this area. He added that there is a rental shortage and that this type of accommodation meets that need. Mr. Schaller also spoke on the parking and indicated that one car can be parked in the garage, one in the front of the lawn and two in the back. The Planning staff commented that the two spots in the back would be stacked parking and that this is illegal.

Staff also advised that front yard parking is not considered as suitable for one of the "required" parking spots specified in a Zoning By-law.

Considerable discussion ensued on this matter and the Committee APPROVED this application as follows:

That approval be given to Zoning Application 89-116, Peter and Anneliese Schaller, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at 81 Myrtle Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 19(vi) of Zoning By-law No. 6593, a two-family dwelling shall be permitted having a minimum lot area of 238.0 m²;
 - (ii) That notwithstanding the requirements of Section 18A of Zoning By-law No. 6593, a minimum of two parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1165, and the subject lands on Zoning District Map E-23 be notated S-1165;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-23 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for property located at 81 Myrtle Avenue.

The effect of the By-law is to legalize the existing two-family dwelling and require a minimum of two parking spaces on-site.

Subdivision Application
89-14 - south of
Mud Street and
west of Upper Mount
Albion Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting Subdivision Application 89-14, for property located south of Mud Street and west of Upper Mount Albion Road, and Zoning Application 89-80, for property on the south side of Mud Street and west of the City Limits.

The Committee approved the following:

- (a) That approval be given to Proposed Draft Plan of Subdivision Application SA-88-14, Valery Construction Ltd., owner, to establish a draft plan of subdivision, located south of Mud Street and west of Upper Mount Albion Road, subject to the following conditions:

- (i) That approval apply to the area of the plan within the City of Hamilton, as prepared by Ashenhurst Nouwens Limited, dated 1989 January 24, revised to show a cul-de-sac bulb at the location of the future closing of Mud Street and probable realignment of Lots 1 to 4 inclusive.
 - (ii) That the streets within the City of Hamilton be dedicated to the City as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton.
 - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (viii) That Block "81" be set aside for future development.
 - (ix) That the Subdivision Agreement make specific provision that building permits will not be available for lots fronting onto or having direct access to Mud Street, until such time as Mud Street is realigned to the south.
 - (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-14), Valery Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to amended Zoning Application 89-80, C. Valery Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit small lot single-family dwellings, for property located on the south side of Mud Street and west of the City Limits, as shown on the attached map marked as Appendix "H", on the following basis:

Zoning Application
89-80 - south side
of Mud Street and
west of the City limits.

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council; and,
- (c) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located on the south side of Mud Street and west of the City Limits.

The effect of the By-law is to permit small lot single-family development in conjunction with the adjacent lands to the south in the City of Stoney Creek.

City Initiative 89-I -
207, 209, 211 Hughson
Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting City Initiative 89-I, for properties located at 207, 209 and 211 Hughson Street North.

Report of the circularization was given as follows:

696 notices sent	30 in favour	6 opposed
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A resident of the area requested information on the features which would be contained in the development.

The Committee then approved the following:

- (a) That approval be given to City Initiative 89-I, The Parking Authority for the City of Hamilton, owner, requesting a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North, as shown on the attached map marked as Appendix "I", on the following basis:
 - (i) That the subject lands be rezoned from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
 - (ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C(3) of Zoning By-law No. 6593 only the following provisions shall apply:
 - (a) That a minimum 1.5 m wide landscaped strip be provided and maintained along the southerly side lot line;
 - (b) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the southerly side lot line;
 - (c) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).

- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1167, and that the subject lands on Zoning District Map E-3 be notated S-1167;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (vi) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".
- (b) That the Amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North.

The effect of the By-law is to permit a municipal parking lot.

In addition, the By-law provides for the following variances as special requirements:

- (i) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the southerly side lot line;
- (ii) To require a visual barrier not less than 1.2 m in height nor more than 2.0 m in height to be provided and maintained along the southerly side lot line; and,
- (iii) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting Zoning Application 89-134, for property at 25 Redmond Drive and 549 Stone Church Road East.

Zoning Application
89-134 - 25 Redmond
Drive and 549 Stone
Church Road East.

The Committee approved the following:

That approval be given to Zoning Application 89-134, Hamilton General Homes (1971) Ltd., owner, requesting a further modification to the "G-4" (Designed Shopping Centre) District regulations, to add a video store and gift shop to the list of permitted uses under the "G-4" District, for the properties located at 25 Redmond Drive and 549 Stone Church Road East, as shown on the attached maps marked as Appendixes "J" and "K", on the following basis:

- (a) That By-laws 88-267 and 89-326 be repealed in their entirety.
- (b) That Block "1", as shown on Appendix "K", be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Centre) District;
- (c) That Block "2", as shown on Appendix "K", be rezoned from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District;

- (d) That the "G-4" (Designed Neighbourhood Shopping Centre) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to Blocks "1" and "2", as shown on Appendix "K", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D(1)B, the following additional commercial uses shall be permitted:
 - (1.) video store;
 - (2.) gift shop.
 - (ii) That notwithstanding Section 13D(1)B, the following commercial uses shall be prohibited:
 - (1.) restaurant or refreshment room with or without any dancing or other entertainment including music;
 - (2.) outdoor patio.
 - (iii) That notwithstanding clause b), the following commercial use shall be permitted within the existing building located at 549 Stone Church Road East, shown as Block "1" on Appendix "K";
 - (1.) restaurant excluding a refreshment room without any dancing or other entertainment except music.
 - (iv) That Section 13D(5) shall not apply.
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166, and that the subject lands on Zoning District Map E-27C be notated S-1166;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to repeal By-laws 88-267 and 89-326 applicable to the subject lands, and to provide for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District, modified, for the properties located at 25 Redmond Drive and 549 Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a neighbourhood shopping centre.

In addition, the by-law provides for the following variances:

- (a) To permit a video store and gift shop in addition to the permitted uses in the "G-4" District;
- (b) To prohibit a restaurant or refreshment room with or without any dancing or other entertainment including music, and an outdoor patio.
- (c) To allow a restaurant (excluding a refreshment room) without any dancing or other entertainment except music, only within the existing stone house at 549 Stone Church Road East;
- (d) The provisions for maximum lot depth and maximum lot area shall not apply.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 20, respecting Zoning Application 89-91, for property at the north-west corner of Rymal Road East and Upper Wentworth Street.

Zoning Application
89-91 - north-west
corner of Rymal Road
East and Upper
Wentworth Street.

The staff recommendation was for DENIAL of this application for the following reasons:

- (a) It conflicts with the established policy of City Council for this property which restricts the range of "G-1" (Designed Shopping Centre) District uses. In this regard, a previous application requesting the addition of the same uses was denied by City Council on 1989 March 14; and,
- (b) The applicant has not submitted any additional or new information to justify changes to the established policy of Council.

Report of the circularization was given as follows:

15 notices sent 4 in favour 1 opposed

Mr. Parente, Solicitor for the applicant, spoke to the Committee and made reference to a letter which the Committee was in receipt of from Mr. Arthur Weisz dated 1990 February 27, expressing his support for the rezoning application.

Following considerable discussion on this matter, the Committee APPROVED the application with an amendment that a restaurant or refreshment room use not be allowed as a permitted use.

The Committee then approved the following recommendation:

That approval be given to amended Zoning Application 89-91, 822827 Ontario Inc. (A. DiSilvestro, E. Parente, and N. Zaffiro), owners, requesting a further modification to the established "G-1" (Designed Shopping Centre) District to permit additional commercial uses, for property located at the northwest corner of Rymal Road East and Upper Wentworth Street, as shown on the attached map marked as Appendix "L", on the following basis:

- (a) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 as amended by By-law No. 88-241, applicable to the subject lands, be further modified to include the following as a special provision:
 - (i) That subsection (a) of Section 2 of By-law No. 88-241 be deleted and the following substituted therefore:
 - (1.) Notwithstanding section 13A(1) of By-law No. 6593, the following
Commercial Uses shall be prohibited:
 - (a) A restaurant or refreshment room.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1087a, and the subject land on Zoning District Maps E-18D and E-18E be notated S-1087a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a further modification to the "G-1" (Designed Shopping Centre) District for property located at the northwest corner of Rymal Road East and Upper Wentworth Street.

The effect of the By-law is to permit the following additional commercial uses:

- (a) A manual car wash;
- (b) A mechanical car wash;
- (c) A coin-operated car wash;
- (d) A high-speed mechanical car wash; and,
- (e) An automobile service station.

Zoning Application
89-122 - 773 Lawrence
Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting Zoning Application 89-122, for property at 773 Lawrence Road.

The staff recommendation was for DENIAL for the following reasons:

- (a) It conflicts with the intent of the Official Plan in that it would allow for an indiscriminate of housing types by introducing a three-family dwelling into an area which is predominately occupied by single family dwellings;
- (b) It is an overintensification of land use in that the site can not accommodate the four required parking spaces in other than the required front yard which is prohibited by the Zoning By-law and the third dwelling unit (Bachelor) has only 49.60 m² of floor area, whereas the Zoning By-law requires a minimum of 65.0 m² of floor area; and,
- (c) Approval of the application would encourage other similar applications which if approved would undermine the intent of the Zoning By-law and change the character of the area.

Report of the circularization was given as follows:

131 notices sent 8 in favour 9 opposed

Mr. David Elliot, Solicitor for Mr. Karchi, owner of the property, spoke to the Committee and outlined the reasons why this application should be approved. Mr. Elliot advised that the owner lives in the Bachelor apartment in the building. Mr. Elliot further advised the Committee that Mr. Karchi had applied to build a fourth unit and at that point had discovered that the third unit was illegal.

Some discussion also ensued on the parking spaces that would be available for this property.

The Committee was in receipt of a Letter of Opposition to this application from Mr. & Mrs. Leeson of 40 Rosedale Avenue.

The Committee then APPROVED the following recommendation:

- (a) That approval be given to Zoning Application 89-122, Ahmad Jan Karchi, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District to legalize the established three-family dwelling located at 773 Lawrence Road, as shown on the attached map marked as Appendix "M", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:

- (1.) That notwithstanding Sections 19(iii) and (vi) of By-law No. 6593 a maximum of three dwelling units shall be permitted within the building existing at the date of passing of this By-law, of which one dwelling unit shall have a minimum floor area of 49.0 m²;
- (2.) That notwithstanding the requirements of Section 18A of By-law No. 6593 a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long, shall be provided and maintained on the lot.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1164, and that the subject lands on Zoning District Map E-66 be notated S-1164;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66 for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the lands.
- (c) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at 773 Lawrence Road.

The effect of the By-law is to permit the conversion of the existing building to contain a maximum of three dwelling units.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit one of the dwelling units to have a minimum floor area of 49.0 m², whereas 65.0 m² is required; and,
- (b) To require a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long to be provided and maintained on the lot.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 1, respecting City Initiative 89-F, respecting "Townhouses" and "Maisonettes".

The Committee approved the following:

That approval be given to City Initiative 89-F, to amend Zoning By-law No. 6593 respecting the provisions for "Townhouses" and "Maisonettes" on the following basis:

- (a) That Section 2.(2)A.(viib) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than eight single-family dwelling units but...", so that it shall read as follows:
 - "(viib) "Dwelling, Townhouse", shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

City Initiative 89-F -
"Townhouses" and
"Maisonettes"

- (a) Has separate front and rear entrances or separate front and side entrances; and
 - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row;"
- (b) That Section 2.(2)A.(viic) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than sixteen single-family dwelling units, but...", and by adding "and constructed" after "designed" so that it shall read as follows:
 - "(viic) "Dwelling, Maisonette" shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than six single-family dwelling units, fully attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,
 - (a) Has a separate front entrance; and
 - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row; and
 - (c) Is joined by a common vertical back wall extending the length of the building."
- (c) That the "RT-10" (Townhouse) District provisions as contained in Section 10D of Zoning By-law No. 6593, be amended by adding a subsection to the following effect:

Dwelling Unit Placement

- (17) Not more than eight single-family dwelling units shall be attached in a continuous row.
- (d) That "RT-20" (Townhouse - Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (17) (a) For townhouses, not more than eight single-family dwelling units shall be attached in a continuous row.
- (b) For maisonettes, not more than sixteen single-family dwelling units shall be provided in one block, and not more than eight single-family dwelling units shall be attached in a continuous row.
- (e) That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (9) Not more than eight single-family dwelling units shall be attached in a continuous row.

- (f) That the "Floor Area Ratio" provisions as contained in subsections 10B(5) - "DE2" (Multiple Dwellings) Districts; 10C(5) - "DE3" (Multiple Dwellings) Districts; 11(5) - "E" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11A(5) - "E1" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11B(5) - "E2" (Multiple Dwellings, Lodges, Clubs, etc.) Districts and 11C(4) - "E3" (High Density Multiple Dwellings) Districts be amended by adding a special provision to the following effect:

"Except, that where a multiple dwelling has a townhouse component the "Intensity of Use" requirements for the townhouse dwelling shall be calculated separately, and the floor area ratio for the remainder of the multiple dwelling shall be adjusted."

- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by clarifying the definition and regulations for "Townhouse" and "Maisonette" dwellings.

The effect of the By-law is to prohibit more than eight (8) single-family dwelling units being attached in a continuous row for a "Townhouse" and "street-townhouse" dwelling; and not more than sixteen (16) single-family dwelling units in one block, of which not more than eight (8) shall be attached in a continuous row for a "Maisonette" dwelling.

In addition, the floor area ratio provisions for the multiple dwelling districts (i.e. "DE2", "DE3", "E", "E1", "E2" and "E3") have been amended so that where a multiple dwelling is designed/constructed to contain a "Townhouse" component, the "Intensity of Use" requirements (i.e. density) for the "Townhouse" dwelling will be calculated separately, and the gross floor area for the remainder of the multiple dwelling will be adjusted accordingly.

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 March 7

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: 27 March 1990

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 843 Mohawk Road East
- b. 197 Stone Church Road East
- c. 211 Stone Church Road East

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

A handwritten signature in dark ink, appearing to be 'L.C. King', located at the bottom right of the page.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

[illegible]

FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King
Building Commissioner

DATE: 1990 March 19
COMM FILE:
DEPT FILE: 90.4.2.3.

SUBJECT: Appointment of Inspectors under The Building Code Act

RECOMMENDATION: That the City Solicitor be authorized to amend By-law 87-312 as follows:

- (a) That Section 9(a) be amended by **ADDING** the name:
Gene Penko
- (b) That Section 9(a) be amended by **DELETING** the name:
George Bowring

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A



BACKGROUND:

Due to recent changes in the staff of the Building Department, By-law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.

FOR ACTION

4.

REPORT TO: Mrs. Susan Reeder, Secretary
Planning & Development Committee

FROM: L.C. KING, P.Eng.
Building Commissioner

DATE: March 21, 1990
COMM. FILE:
DEPT. FILE:

SUBJECT:

MAR 22 1990

Building Department Permit Fees and Other Charges - Proposed Increase for 1990

RECOMMENDATION:



1. That the City Solicitor's Department be directed to prepare by-laws effective July 1, 1990 to amend fees charged by the Building Department as follows:-
 - a) That the Building Code By-law 85-86 be amended to adjust the basic building permit fee from \$25 to \$50.
 - (b) That the Property Standards By-law 74-74 be amended to adjust the basic fee for a *certificate of compliance* from \$150 to \$200.
 - (c) That the Building Code By-law 85-86 be amended to adjust the basic fee for demolition from \$100 to \$200.
2. That Council pass a resolution to change the fees for property reports and zoning verifications from \$20 and \$30 to a fee of \$35 effective July 1, 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The proposed fee revisions more accurately reflect user fee costs. Additional revenues are anticipated if construction activity remains at the current level.

BACKGROUND:

Various charges for the provision of services of the Building Department have not been increased for a number of years. It is the intention of this report to increase user fees for a number of different services.

- a) The basic permit fee, as charged under the Building Code By-law, has remained at \$25 since 1985. This fee is the minimum charge for any permit valued at less than \$1,000. The basic fee should be increased to \$50 to more accurately reflect costs associated with permit issuance, administrative functions, and site inspections.

- b) The Property Standards By-law prescribes a fee for the issuance of a *certificate of compliance*. A *certificate of compliance* is issued by the Department upon the request of an owner or occupant of a building. The request generates an inspection of a building for compliance with the Property Standards By-law. The current fee for this service was last increased in 1984:-

	<u>Present</u>	<u>1990</u>
(a) For a single family dwelling.....	\$150	\$200
(b) For a two-family dwelling, a three-family dwelling, or a multiple dwelling.....	\$150 plus an amount calculated at the rate of \$20 for each additional dwelling unit in excess of the first dwelling unit.	\$200 + \$25
(c) For a lodging house, second level lodging house, or nursing home.....	\$150 plus an amount calculated at the rate of \$10 for each permitted resident.	\$200 + \$15
(d) For all other buildings.....	\$150 plus an amount calculated at the rate of \$5 per 1,000 sq. ft. of gross floor area for the gross floor area in excess of the first 1,000 sq. ft.	\$200 + \$10

- c) Zoning verifications and property report fee structure is controlled by a resolution of Council. The current charges have remained the same since 1984:-

	<u>Present</u>	<u>1990</u>
Property Reports.....	\$30	\$35
Zoning verifications - 1 and 2 family.....	\$20	\$35
Zoning verifications - all others.....	\$30	\$35

- d) Demolition fees are prescribed in Building Code By-law 85-86.

The current charges for demolition have remained the same since 1985.

<u>Present</u>	<u>1990</u>
\$100 plus an amount calculated at the rate of \$25 for each additional 3000m ³ or part thereof in excess of the first 3000m ³	\$200 plus an amount calculated at the rate of \$50 for each additional 3000m ³ or part thereof in excess of the first 3000m ³

Effective Date

In keeping with provincial statutes such as the Ontario Building Code, it is proposed to allow a three month lead-in period prior to implementing the increased permit fees and charges. The delay will allow this Department to notify the construction industry, local associations, and the general public who utilize services of the Department.

5.

TO: Mrs. Susan K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. J. D. Thompson, Secretary
Finance & Administration Committee

SUBJECT: PARKING REQUIREMENTS FOR COMMERCIAL
DEVELOPMENT IN THE CENTRAL BUSINESS
DISTRICT

YOUR FILE:

OUR FILE:

PHONE: 546-2747

DATE: 1990 March 29

I am also forwarding herewith for your information and attention a copy of a report of the Parking Authority dealing with capital expansion plans in the central business district which was endorsed by the Finance and Administration Committee at its meeting held 1990 March 22.

John Thompson

c.c. Alderman B. Hinkley, Chairman, Finance and Administration Committee
Alderman J. Smith, Chairman, Planning and Development Committee
Mr. L. Sage, Chief Administrative Officer
Mr. P. Baker, General Manager, Parking Authority
Mr. A. Georgieff, Director of Local Planning
Mr. L. C. King, Building Commissioner
Mr. E. C. Matthews, Treasurer

Section 2 of the NINTH Report for 1990 of the Finance and Administration Committee referred to the Planning and Development Committee by City Council 1990 March 27.

2. (a) That the exemption from parking requirements for commercial development in the central business district be discontinued.
- (b) That the provisions of the "Cash in lieu" policy be applied to the City as a whole.
- (c) That the cost to provide parking in the development area concerned be applied to the formula for the "Cash in lieu" provision.

NOTE: At its meeting held 1990 March 22 the Finance and Administration Committee endorsed the Capital expansion plans of the Parking Authority to provide parking in the total central business district.

In order to identify the most viable options available to finance the construction of parking structures in the central business district, the committee has also undertaken to investigate and examine the feasibility of directing the net revenue from parking fines into the Reserve for Off-Street Parking Account as well as appraise the impact of exempting the Parking Authority from the payment of realty and business taxes.

THE PARKING AUTHORITY OF THE CITY OF HAMILTON

CAPITAL EXPANSION PLANS

CENTRAL BUSINESS DISTRICT

INDEX

- A. Present downtown parking facilities
- B. Rationale behind proposed projects
- C. Economics of existing parking facilities
- D. Capital costs
- E. Source of capital funds
- F. Appendices

INTRODUCTION

There is a general shortage of parking in the total Central Business District with some areas being worse than others. To meet the demand it is recommended that the City set into place a programme for building parking into structures in the downtown in a variety of ways. A series of projects have been assembled by the Parking Authority for consideration by the Committee and Council. Each one requires funding; and each has to be self supporting once in operation. In order to build the parking structures and not affect the tax base for the City there are only so many options to follow. These are: (1) use profit from off-street Municipal parking operations; (2) increase the net revenue from the on-street meters; (3) expanding cash-in-lieu of parking levies; and (4) possible funnelling of parking fines into the parking reserve. Since the Parking Authority is required to operate on a break-even basis wherever possible, the #1 option is not readily available. Therefore, the options open are actually #2 to #4.

It is intended that this report will provide the Committee with sufficient detail to allow adoption of the Capital Expansion Plans proposed. As with all Capital plans the individual projects would be brought to the Committee for detailed presentation once the decision to proceed was made by the Parking Authority Board. The report as it stands will be presented in conjunction with complementary information provided by the General Manager of the Parking Authority.

In the course of the presentation the Committee will receive information on where present downtown parking facilities are located, what specific projects are planned, the rationale behind each project, the Capital Costs involved, and most importantly, the possible sources of Capital to fund the projects.

The opportunity will also be taken to illustrate the composition of types of parkers on Municipal facilities and how they are mixed; and also to show how the financial picture of a fully operational parking structure appears.

Recommendations:

(1) That the Finance and Administration Committee endorse the expansion plans detailed in this report;

(2) and further, that the Committee recommend to Council that:

(a) the exemption from parking requirements for commercial development in the CBD be dropped, and

(b) the City as a whole be considered on the same basis when applying the "Cash-in-lieu" provisions, and

(c) the cost to provide parking in the development area concerned be applied to the formula for the "Cash-in-lieu" provision, and

(d) the net revenue from parking fines be directed into the Reserve for Offstreet Parking Account.

PRESENT DOWNTOWN PARKING FACILITIES - Appendix A

To assist in focusing on the parking needs of the downtown a detailed map of the area has been prepared and is attached.

The municipal carparks are highlighted in green and the private carparks in yellow. Within each carpark is the number of stalls available on the site.

RATIONALE BEHIND PROPOSED PROJECTS

In accordance with the land use concept of the Official Plan, City Council agreed to the policy of maintaining and enhancing the supply of short term parking in the CBD. The Parking Authority is charged, in part, with the responsibility of carrying out these policies. In planning for the future it examined a number of factors which concluded with a series of projects set into priority.

(1) Price of downtown land: To begin considering the expansion of Municipal parking invites the question of "where?". With the current cost of land at approximately \$100 per square foot it normally does not look very attractive to consider parking a car on \$30,000 worth of real estate, especially at the rates which the "market" will allow. A better alternative is to build a parking structure onto land which the City owns. This can be accomplished at a cost of approximately \$10,000 per parking space. In some ways this fact tends to drive the decision of location! For this reason it is recommended that additional municipal parking in the downtown be in the form of above ground parking structures.

(2) Immediate Need:

The question of immediate need to replace diminished Municipal Parking spaces has been addressed. Later in the documentation it will be illustrated that the City Hall carpark has, for now, the most intense parking problem in all of the downtown. It is planned, however that remedial action will be taken on the methods and control of this facility in the very near future which will dramatically affect the ratio of monthly parkers vs. transient parkers on this location. This fact, coupled with the possibility of the Regional tower being located onto the site of the existing parking facility has displaced this location from being considered first in terms of immediate need.

This then leads directly to the John/Rebecca carpark site where, within two blocks a large number of spaces are being removed from the municipal parking inventory in March of 1990 with the construction of the new Theatre Aquarius at King William and Ferguson Streets. The Authority has studied a plan to incorporate parking onto this sight using a modular method. The first module would cost \$2,600,000 and provide approximately double the number of existing stalls at this location. The second module would be scheduled for 1995 or later with an additional 300 stalls being possibly added. Such a parking structure would be tied into the existing architecture for the area (fire hall for example) and set the surrounding commercial district into a position for future construction (particularly on the site of the Bus Terminal and the block to the north of the Hydro building.

(3) Support of Commerce:

The Parking Authority next considered the driving need to support commerce in the East end of the CBD. The pressure has been there for some time as evidenced by the International BIA representations in the past. This factor assisted in setting the King William and Mary Street location as the next project to follow the John/Rebecca expansion. Along with the shortage of space brought about by the Theatre Aquarius building, there is still the need to provide some form or forms of "anchor" in this end of the CBD.

As well, the Municipal Carpark project at Main and Ferguson followed for the same reason (set for 1992). (It should be noted that all during this time the new Parkade on York Boulevard is and would be in a growth mode and satisfy much of the increased demand in the downtown proper plus some to the west of the centre of the CBD.) The location at Main and Ferguson (beside Don Cherry's) is also of significance to the Southeast quadrant on which this project borders. It is, as will be pointed out later, in the Southeast where the highest risk of parking stall loss may be realized because of the large number of privately held properties.

Of concern for both of the above properties is a Council resolution that the Parking Authority examine the possibility of incorporating non-profit/low income housing into any parking facility development. It is in this spirit that the projects for both the King William/Mary and Main/Ferguson sites are costed out as joint ventures in which the City would only incur costs of \$100,000 for each site. It is suggested, if Council approves the budget, that either a non-profit housing group or, if none is interested, a commercial group join with the Authority in planning a development which would see the Municipality provided with the extra Municipal parking and the air rights going to the other party for development. Under these conditions it would not be the recommendation of the Parking Authority to surrender ownership of the land or management of the parking to the other party.

(4) Major Developments:

Just as the York Boulevard Parkade was constructed to complement the new Eaton's Centre it became important that the area surrounding the new Go Terminus site be examined for its parking requirements. This is an important development which will attract Commerce to the area simply because of the existence of the Go Station. It is not intended that this facility be used by the regular GO passenger; rather, it would supplement the parking inventory to serve the extra business brought to this area of the City by the Go system itself. (The commuter who drives will normally use the Waterdown Road GO station where parking can be supplied cheaply. Downtown parking for this person will be normally too expensive.)

(5) Assembly of Land and Continuing Projects by Private Developers:

In any strategic plan of this type there are certain elements which are reasonably predictable; however, when considering the steps that might be taken

by the private developer in a downtown area like Hamilton it is only possible to look at trends and use whatever facts are available to project the most likely path that such development might take.

It is clear that development has and will occur in two other crucial areas of the CBD, i.e. the Southeast section (around the Journey's End), and in the immediate Southwest of the CBD, notably in the area of the City Hall and Board of Education. Each of these areas contain several privately owned parking facilities which have been heavily committed for development and cannot be counted upon to form any part of the downtown parking inventory beyond the next three(3) to five(5) years, unless there is a total collapse in the local economy.

For the reasons stated above the Capital Budget Plan shows three major projects being recommended for these areas by the Parking Authority: a 650 stall parking facility in the Southeast quadrant on land as yet not purchased; an expanded City Hall parking structure; and, an expansion of the existing Underground Parking Garage into an area beneath the existing Board of Education parking lot.

Parking Structure--Southeast quadrant

On this particular plan there is not a great deal of detail at this time. Many variables must be examined before a possible specific location and design are ready for presentation. The need for this project is derived from the overwhelming number of privately held parcels of land in the quadrant. It would appear imperative that the city play a role in the development of this important section of the downtown. For purposes of this report the estimates are made based upon the perceived need for a medium sized parking facility of 650 spaces (5 floors) which is large enough to justify occupying the land and yet allow the economies of scale to be realized.

Expanded City Hall Parking Structure:

Although it is likely that the City Hall parking expansion will take place within the walls of a new Regional tower, it nevertheless would be prudent for the committee to be made aware of how such expansion might occur if the tower were not to exist. Documentation and design sketches will be on hand and presented at the time of the Committee meeting.

Underground Garage Expansion beneath Board of Education:

The Committee should know that presentations have been made to the Board of Education in order to secure their support to pursue the project. This is progressing at the present time. At the Committee meeting I would like to present the plans which were prepared by our engineers on behalf of the Parking Authority. Many of the facts that are found in the background documentation to the proposed City Hall Parking Structure project are also of use in understanding this particular project.

SUMMARY OF PROJECTS BY PRIORITY

	<u>Construction Cost</u>
(1) John/Rebecca Carpark Decking	\$2,600,000
(2) King William/Mary Carpark Decking	3,300,000
(3) Main/Ferguson Carpark Decking	3,400,000
(4) Parking Structure--Area of GO	2,500,000
(5) Parking Structure--Southeast Quadrant	8,000,000
(6) City Hall Carpark decking	8,220,000
(7) Underground Garage expansion at Board of Ed.	8,800,000

ECONOMICS OF EXISTING PARKING FACILITIES - Appendix B

As will be illustrated there is a good deal of analysis involved in how best to locate and operate large carparks such as those being proposed. Many advances have been made to assure the necessary efficiencies required in investments of this type and almost another science is in existence to bring all of the variables together.

Just to touch on part of the basic planning methods behind a good parking lot strategy for a typical downtown like Hamilton, I have attached some data on four of the major carparks operated by the Parking Authority which are of concern in the planning of the proposed new facilities. By using computer programmes developed for the purpose one can make certain suppositions about current and future use for each facility.

FINANCIAL OPERATING PLANS FOR NEW PROJECTS

In order that a parking facility can be financially understood it is necessary to set down a series of models on how it would best operate and to describe the likely financial picture would probably develop over the first several years. There are many variables to consider. Each one can have a heavy impact on how the facility is used and how effectively it serves the surrounding commercial area.

It is not the purpose of this report to show how each of the subject projects would likely operate; however, it is very important that the Committee takes note of what elements of revenue and expense exist in the day to day operations of a typical carpark. (see Appendix C)

The first two pages detail the expected revenue and expense items which must be considered. The most up-to-date information is incorporated into these calculations. (Again, this is an example of how computer software is coming into play in the Parking Industry.)

(In the matters of revenue and expense there is a host of new ideas now on the market to ease the labour intensity of the parking operation both for revenue and expenditure control. The latest designs and computer controls can allow a whole parking facility to be operated by one individual. More and more of these advances are coming onto the market on a regular basis and the coming years will see Hamilton equipped with the latest in parking technology. The Parking Authority is committed to keeping Hamilton at the leading edge of this work.)

The final page is most revealing and helps to predict the way this facility would operate over a ten year period. You will note that the bottom line represents the operating profit on a yearly basis. (There is a built in assumption that rates will increase, on average, at 4% per annum.) It is here where one's attention must be directed, for the profit has to serve the debenture debt if that method of financing is selected.

CAPITAL COSTS

It is no doubt clear to the Committee members that the cost to construct parking structures has never been cheap. When one looks around any major city at these types of facilities they are inevitably owned by Hotels (who must have them to make the hotel work), by office towers for the same reason, by those who serve "captive" clientele such as air ports, or by Municipal authorities (who are charged with the responsibility to maintain and enhance a supply of downtown parking for the protection of commerce and industry.)

By themselves, parking structures as a rule, do not generate enough income within their lifetime to adequately cover: (1) the capital costs (2) operating

costs, and (3) replacement costs (which could be helped immensely by a better policy on road salt application throughout the City). Further, a parking structure on valuable downtown land is rarely the best use for the land.

For these and other reasons, the Municipality must address each of the costs mentioned above since no other party has a vested interest in the subject unless they are forced into being concerned.

SOURCE OF CAPITAL FUNDS

In order to build the parking structures outlined in this report, there are only so many sources of funds.

The cost of a parking stall within a large structure is approximately \$10,000. If this is examined strictly as an investment by some developer looking for a place to put his/her money, then the bottom line, after all expenses are covered, would still have to leave a reasonable return (at least equal to the interest from Treasury bills.)

The philosophy behind the development of parking structures within the City has been that they must be "self-funded" and "self-supporting" or they cannot be considered. This is not unlike the situation in Toronto or in Calgary; however, if one can use these two cities as an example: in Toronto the Municipality has built up funds of \$45,000,000 in reserves for parking; and in Calgary this has amounted to approximately \$25,000,000. In each of these examples the Municipality is able to build any necessary parking by using the cash in its reserves. These cities do not, as a rule, finance these projects through debentures.

It should be emphasized that the revenues from operations of a Municipal Parking structure (such as those in the Capital Budget) can easily carry the normal operating expenses. In fact, there is little difficulty in turning a profit on operations. (Provided for your information is a list of the Parking Authority carparks "Projected 1990 Profit and Loss" in which this point is easily seen.) The financial stumbling block, however, is with the covering of debenture charges; in addition, whatever surplus funds that may be created out of the operation of a parking structure should wisely be placed into a sinking fund to provide for replacement after the useful age of the building has expired (typically 25 to 30 years currently). (see Appendix D)

Other than from operations, the sources of Capital Funds to finance parking structures (or any other type of Municipal parking throughout the City) is typically derived from the following:

(1) Net revenue from on-street meters: This is the largest single source of Capital Funds available for financing Municipal parking. Recently, by adjusting the rates for on-street meters, City Council has taken a very positive step forward in this area. It is unlikely that this particular issue will need to be addressed for several years. This source of funds is very significant.

(2) Revenue from "cash-in-lieu" of parking option: Along with the report on development charges carried out by Coopers and Lybrand Consulting Group, the consultants in charge brought down a separate report on the handling of the "cash-in-lieu" option by those who choose to develop commercial property in Hamilton. This report is attached for reference. In their conclusions (found under section "G" within the report) the consultants recommend the removal of the exemption by commercial developers in the downtown from providing the prescribed parking requirements; and, if "cash-in-lieu" is an option in any development, to cause the amount payable to equal the real cost to provide parking in the development area. If the City of Hamilton were to apply this policy to commercial development throughout the City, there would be a large influx of funds into the Reserve for Offstreet Parking Account. This is typically what has happened in the Calgary and Toronto scenarios described above. (Append E)

(3) Net revenue from parking fines: This source also represents an area which is commonly used in major urban centres to assist in the funding of parking facilities. Again, this option allows the Municipality to avoid encumbering the tax payer with the funding responsibility for parking. It ties in directly to the same principle of "user pay" as does using the on-street meters. It is recommended that the Committee examine the possibility of directing these revenues into the parking reserve. This could be phased in over two or three years and would have a tremendous impact on the availability of funds.

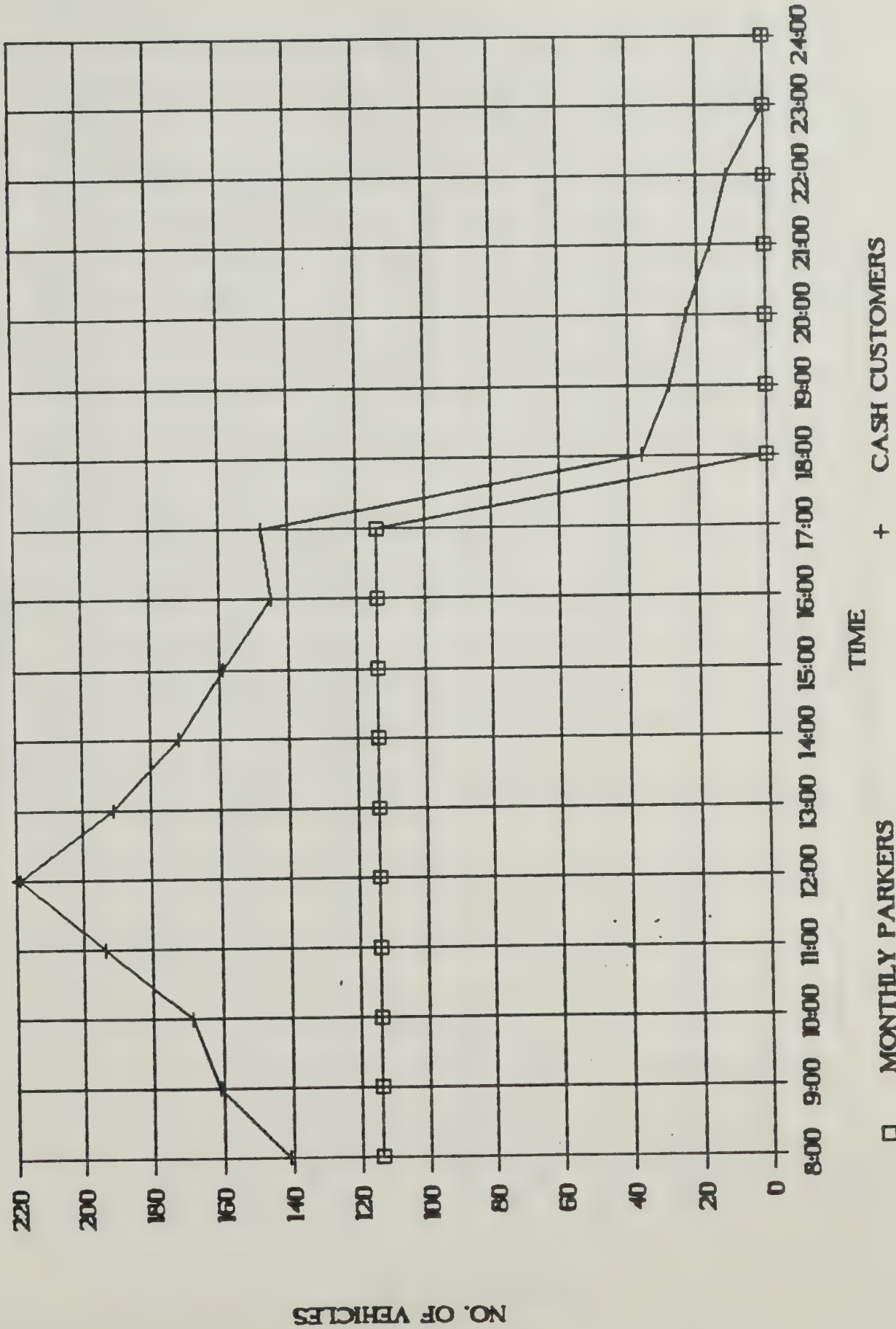
SUMMARY:

It has been the intention of this report to illustrate the need for parking to be expanded in the CBD and to show how the City is likely going to have to play a leading role in this regard. It has also been important to underscore the cost of such investment by the City; but at the same time the direct relationship between the need for these facilities and the sources of capital funds to bring them into fruition cannot be emphasized enough.

If the City will move in the direction of the recommendations found on the introductory page then it can be assured of not having to impact the tax base of the city in future years. The structures are needed; the plans for finding the necessary funds are before us. The Finance and Administration Committee is requested to adopt the outlined strategy and to recommend it to Council.

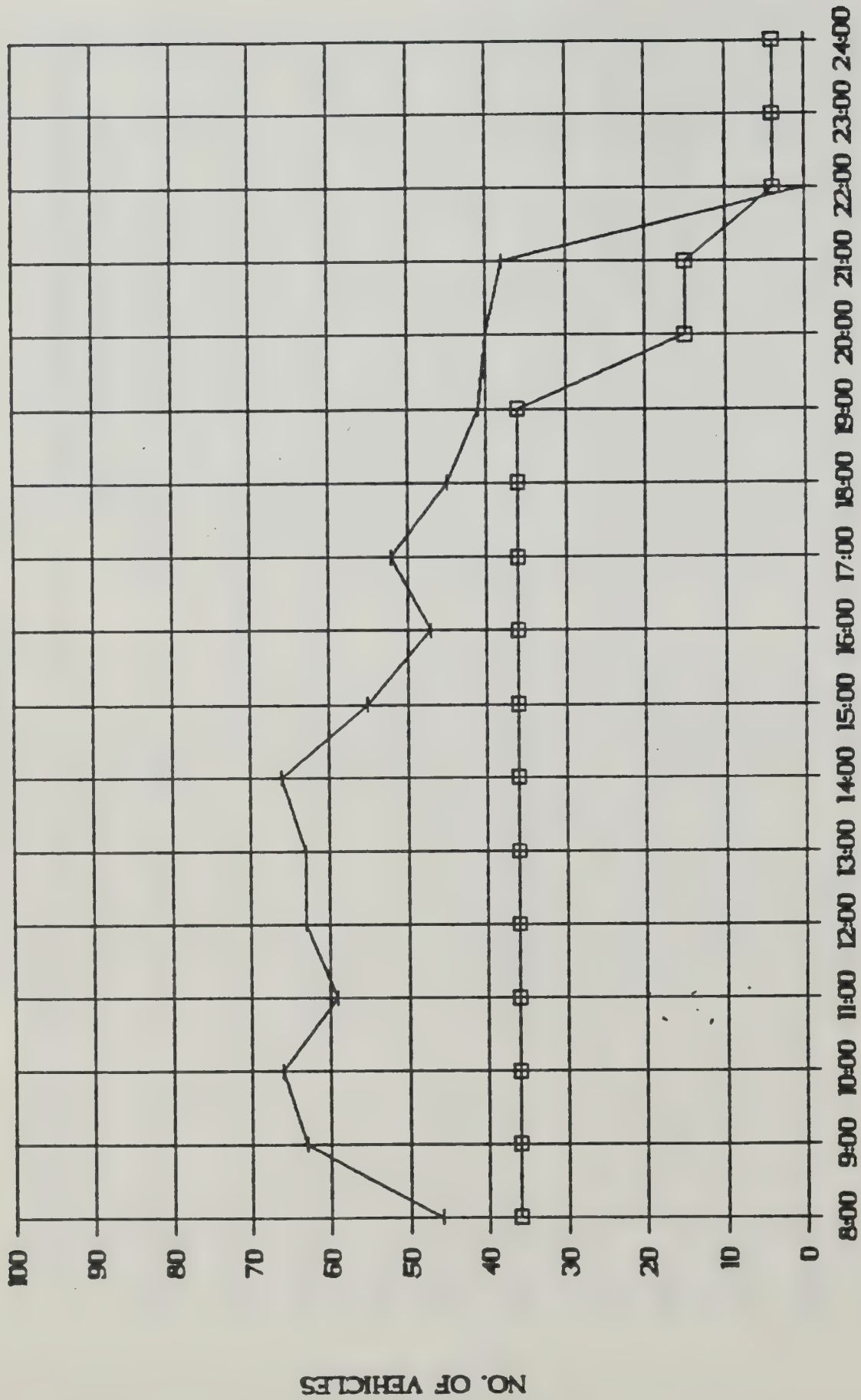
NO. OF VEHICLES ON LOT #1,

JOHN & REBECCA STREETS



NO. OF VEHICLES ON LOT #5

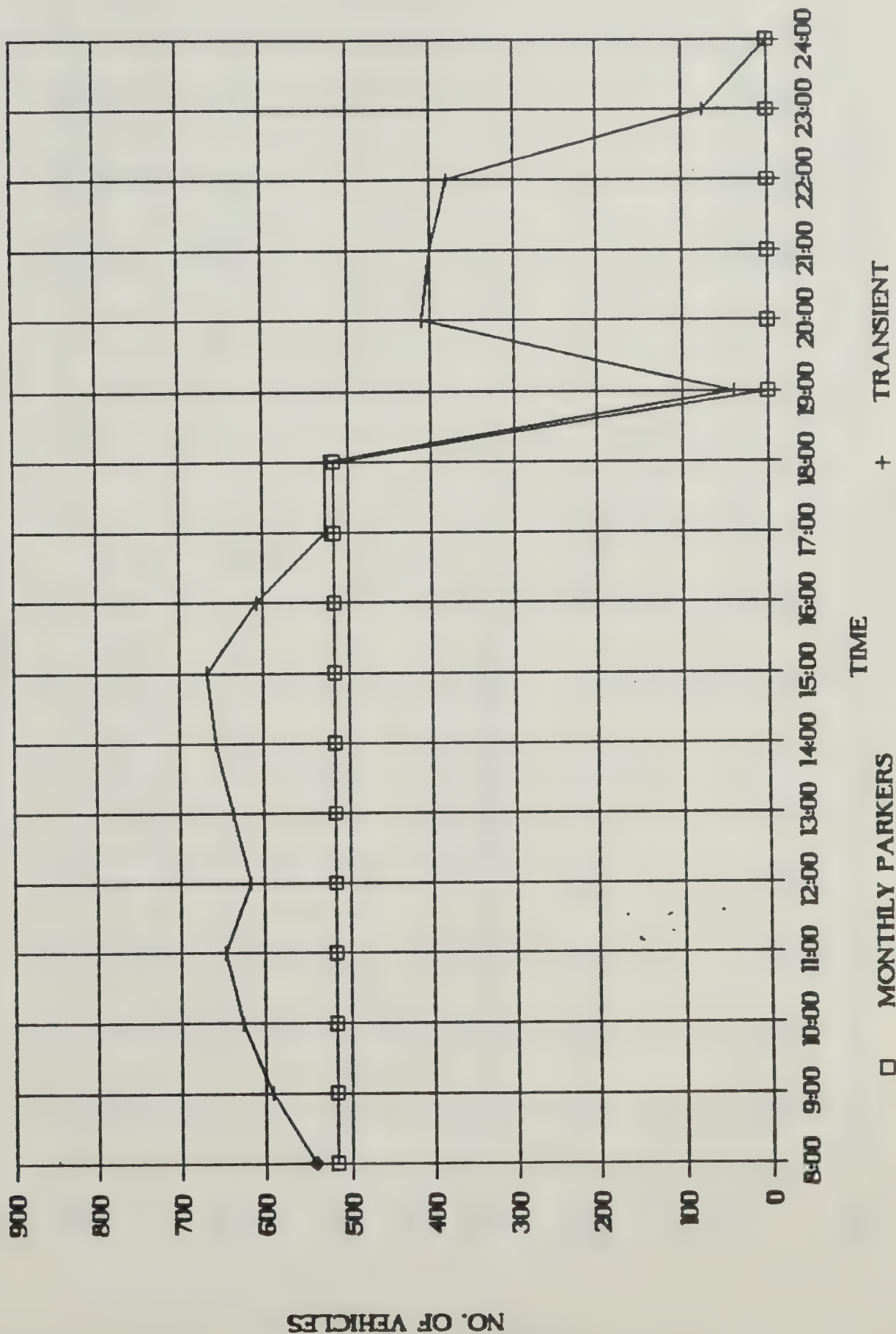
KING WILLIAM & MARY STREETS



□ MONTHLY PARKERS + CASH CUSTOMERS

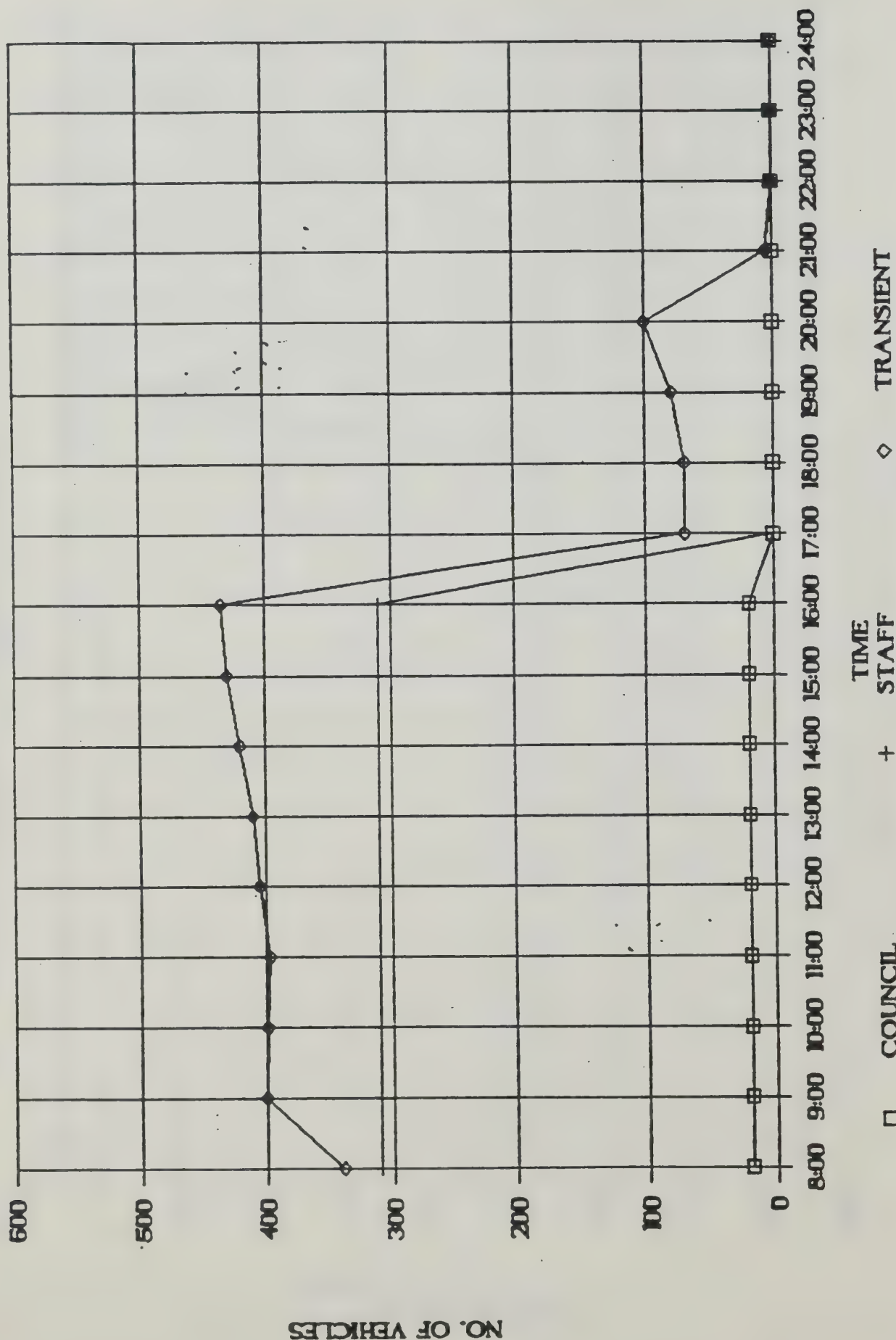
NO. OF VEHICLES ON LOT #37,

UNDERGROUND PARKING GARAGE



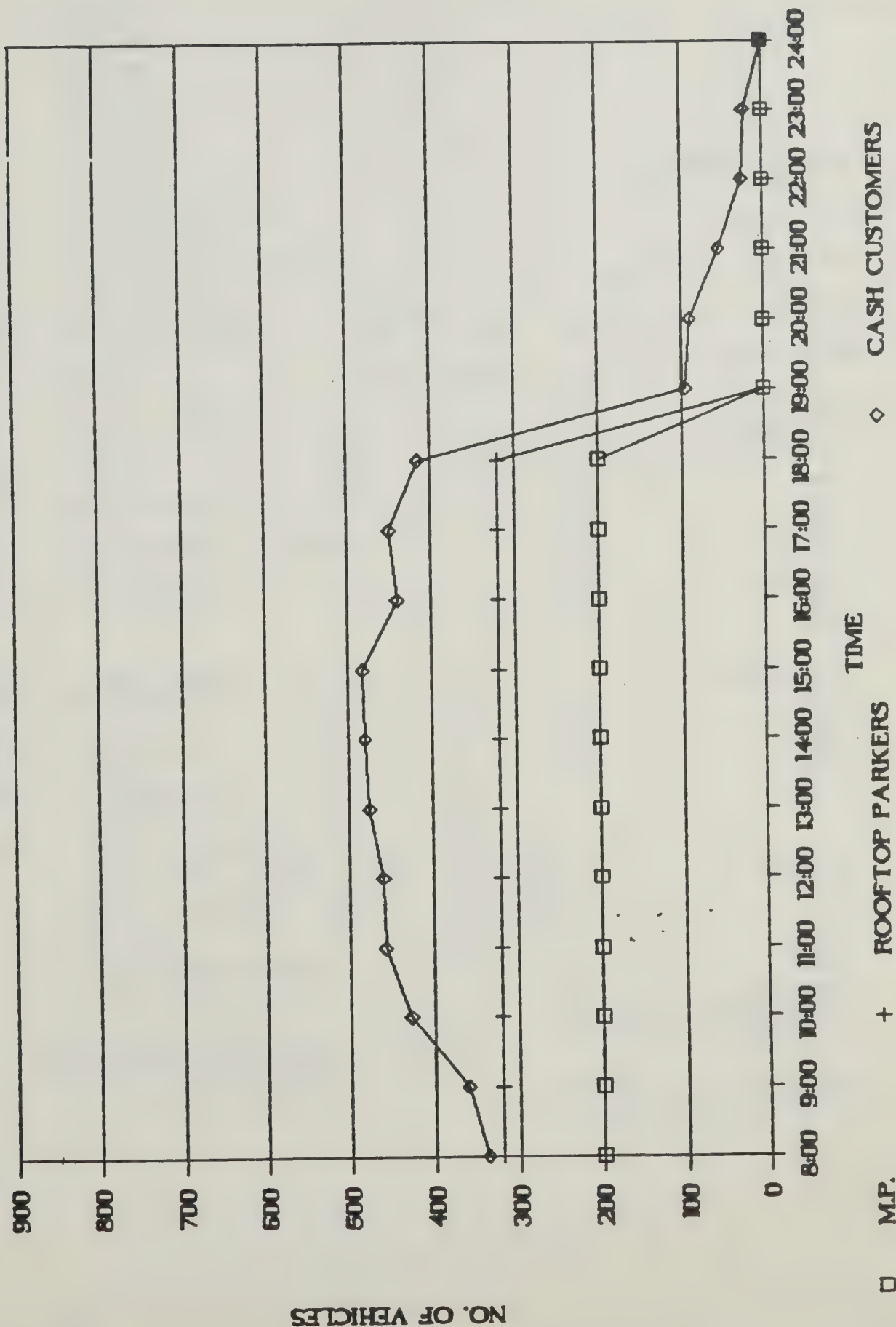
NO. OF VEHICLES ON LOT 40,

CITY HALL PARKING FACILITY



NO. OF VEHICLES ON LOT#68,

YORK BLVD. PARKADE



PROFORMA—MAIN AND FERGUSON

TOTAL STALLS 300

DAILY RATES DESCRIPTION	rate	number of stalls	per cent of total	hours/day occupied	number of days/year	annual revenue
1/2 hour	\$0.90	200	67	9	259	\$419,580
1 hour	\$0.00	0	0	0	0	\$0
1 hour premium charge	\$0.00	0	0	0	0	\$0
overnight hotel	\$0.00	0	0	0	0	\$0
evening	\$4.00	120	40	1	100	\$48,000
weekend	\$0.00	0	0	0	0	\$0
early bird	\$0.00	0	0	0	0	\$0
flat rate	\$0.00	0	0	0	0	\$0
special event	\$0.00	0	0	0	0	\$0
blank	\$0.00	0	0	1	40	\$0
blank	\$0.00	0	0	0	0	\$0
				0	0	\$0

CONTRACT PARKING RATES

monthly	\$100.00	100	33	TOTAL DAILY REVENUE	\$467,580
quarterly	\$0.00	0	0	12 billing freq.	\$120,000
semi annual	\$0.00	0	0	4	\$0
annual	\$0.00	0	0	2	\$0
				1	\$0

TOTAL CONTRACT REVENUE \$120,000

OTHER REVENUE

City	\$0
County	\$0
Province	\$0
Federal	\$0
Contributions	\$0
commitment premium	\$0
total other rev.	\$0

RETAIL INCOME

\$0 Ground Floor
\$0 Upper Floor

Sq. Ft.

0
0

TOTAL OPERATIONS REVENUE

Rate/sq.ft.

\$0.00	0
\$0.00	0

TOTAL RETAIL INCOME 0

TOTAL REVENUE \$587,580

Parking income is projected to increase at 4 per cent per year.

C - 1

OPERATING COST PROJECTIONS

CASHIERED FACILITY

	days per week	hours per day	total
CASHIER COST			
cashier one	6	22	6864
cashier two	0	0	0
cashier three	0	0	0
cashier four	0	0	0
cashier five	0	0	0
cashier six	0	0	0
operating days per year			300
average cashier pay rate/hour			\$9.00
per cent fringe benefits			18
total number of cashiers to be employed			0
uniform cost per cashier			\$200.00
total annual cashier cost			\$72,896

SUPPLIES

	price ea	
tickets	\$0.030	\$14,346
decals		\$0
misc.		\$500
total annual supplies		\$14,846

TAXES AND ASSESSMENTS

\$90,500

OPERATING COST

\$202,142

UTILITIES

	per stall cost	
electricity	\$7	\$2,100
phone	\$2	\$600
water	\$0	\$0
other		\$0
total		
utilities		\$2,700

GARAGE MANAGER/CASHIER

add sal/hr	\$0.00	\$0
fringe benefits		\$0

TOTAL GARAGE MANAGER COST \$0

LIABILITY INSURANCE

\$5,000

SECURITY

rate per hour	\$9.00
hours per day	6
TOTAL SECURITY	\$16,200

ADMINISTRATIVE COST	\$0
MANAGEMENT FEE	\$0

MAINTENANCE COST

	cost per stall	annual total
revenue control	\$5	\$1,500
painting	\$3	\$900
landscaping	\$2	\$600
elevators	\$4	\$1,200
lights	\$5	\$1,500
security equipment	\$2	\$600
cleaning	\$20	\$6,000
routine repairs & maint.	\$20	\$6,000
misc. supplies	\$5	\$1,500
TOTAL MAINTENANCE		\$19,800

TOTAL OPERATING EXPENSES

\$221,942

Operating expenses are projected to increase 4 per cent per year.

PROFORMA STATEMENT OF OPERATIONS—MAIN AND FERGUSON PARKADE
FOR THE FIRST TEN YEARS

TOTAL STALLS 266 DATE JANUARY 22, 1990

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
per cent parking utilized	100	100	100	100	100	100	100	100	100	100
INCOME FROM OPERATIONS										
parking income	587,580	611,083	635,527	660,948	687,385	708,007	729,247	751,125	773,658	796,868
interest on reserves	0	0	0	0	0	0	0	0	0	0
other income/retail income	0	0	0	0	0	0	0	0	0	0
TOTAL OPERATING INCOME	587,580	611,083	635,527	660,948	687,385	708,007	729,247	751,125	773,658	796,868
PVA FEE 0 of oper. income	0	0	0	0	0	0	0	0	0	0
TOTAL OPERATING EXPENSES	221,942	230,819	240,052	249,654	259,640	270,026	280,827	292,060	303,743	315,892
	365,638	380,264	395,474	411,293	427,745	437,981	448,420	459,065	469,916	480,976
OTHER NON OPERATING EXPENSES										
interest	0	0	0	0	0	0	0	0	0	0
depreciation	0	0	0	0	0	0	0	0	0	0
amort. of bond issuance cost	0	0	0	0	0	0	0	0	0	0
NET INCOME	365,638	380,264	395,474	411,293	427,745	437,981	448,420	459,065	469,916	480,976
ITEMS AFFECTING CASH FLOW										
ADD:										
depreciation	0	0	0	0	0	0	0	0	0	0
amortization	0	0	0	0	0	0	0	0	0	0
SUBTRACT:										
principal	0	0	0	0	0	0	0	0	0	0
CASH FLOW	365,638	380,264	395,474	411,293	427,745	437,981	448,420	459,065	469,916	480,976

FEBRUARY, 1990

PROJECTED
1990 PROFIT/LOSS
ALL MUNICIPAL CARPARKS

LOCATION	EXPENDITURE	REVENUE	PROFIT/ (LOSS)
01 JOHN & REBECCA	117430.00	231000.00	113570.00
02 OTTAWA ST.	78650.00	140800.00	62150.00
04 KENILWORTH AVE.	25980.00	24000.00	-1980.00
05 KING WILLIAM & MARY	79600.00	152400.00	72800.00
07 MAIN & FERGUSON	52690.00	82800.00	30110.00
08 KING & JARVIS	37240.00	46700.00	9460.00
09 UPPER WELLINGTON	9890.00	10000.00	110.00
11 MAIN & GARSIDE	8840.00	9000.00	160.00
12 BARTON & SHERMAN	28550.00	31300.00	2750.00
13 WISON & JAMES *	23250.00	24000.00	750.00
16 MAIN & BALMORAL	5180.00	9500.00	4320.00
17 MAIN & HUXLEY	8940.00	12000.00	3060.00
19 MAIN & OTTAWA	9190.00	6000.00	-3190.00
20 UP. JAMES & BRANTDALE	20200.00	11500.00	-8700.00
21 MAIN & TUXEDO	10520.00	12720.00	2200.00
22 KING WEST & LOCKE	6150.00	1700.00	-4450.00
28 KENILWORTH PIPELINE	7950.00	1500.00	-6450.00
29 WILSON & MARY	4550.00	6930.00	2380.00
30 56 KENILWORTH NORTH	3850.00	3000.00	-850.00
32 EAST AVENUE	6170.00	6390.00	220.00
33 UPPER JAMES & GENESSE	16520.00	30000.00	13480.00
34 MAIN & COPE	4900.00	5000.00	100.00
35 EAST 21ST STREET	7740.00	5920.00	-1820.00
36 MULBERRY ST.	12610.00	26000.00	13390.00
37 UNDERGROUND GARAGE **	1205580.00	1768940.00	563360.00
39 BARTON & GROSVENOR	15800.00	23440.00	7640.00
40 CITY HALL **	144140.00	185000.00	40860.00
41 1366 MAIN ST E	6130.00	9100.00	2970.00
42 BARTON & BIRCH	5360.00	11890.00	6530.00
43 KENILWORTH & NEWLANDS	7700.00	5200.00	-2500.00
44 BARTON & EMERALD	5070.00	3260.00	-1810.00
45 536 BARTON ST. E	6580.00	8880.00	2300.00
46 BARTON & WILLIAM	11010.00	8200.00	-2810.00
47 BARTON & BARNESDALE	5330.00	2680.00	-2650.00
49 BARTON & CAROLINE	11040.00	8180.00	-2860.00
50 CANNON & BIRCH	5450.00	4420.00	-1030.00
53 KING WM & FERGUSON	15160.00	26480.00	11320.00
54 897 BARTON EAST	4320.00	2030.00	-2290.00
56 MAIN & EMERALD	5870.00	19930.00	6060.00
58 1366 BARTON STREET E	6340.00	2440.00	-3900.00
59 MAIN & HUGHSON	34320.00	102150.00	67830.00
60 WENTWORTH-CENTURY **	4810.00	2790.00	-2020.00
62 VINE & MCNAB	53680.00	91200.00	37520.00
63 PARKDALE & BRITANNIA	5320.00	1740.00	-3580.00
64 168 SHERMAN AVE N.	4980.00	7020.00	2040.00
65 16 MAGILL ST. **	7620.00	4050.00	-3570.00
66 BAY & CANNON **	36630.00	20860.00	-15770.00
67 QUEEN & HESS **	100980.00	78010.00	-22970.00
68 YORK BOULEVARD PARKADE	453100.00	795100.00	342000.00
69 YORK BLVD. PARKETTE **	19470.00	30000.00	10530.00
70 207-211 HUGHSON NORTH	5770.00	15000.00	9230.00
71 77 MARY STREET	4780.00	10000.00	5220.00
72 11 EAST AVE	7400.00	8000.00	600.00
73 253 KING WILLIAM	20630.00	24000.00	3370.00

* Managed on behalf of Urban renewal agreement
** Managed on behalf of city

D.

THE COOPERS & LYBRAND CONSULTING GROUP

REPORT

ON

RECOMMENDED CHANGES IN THE PRESENT PARKING POLICIES AND PRACTICES

IN THE CITY OF HAMILTON

APPENDIX E

RECOMMENDED CHANGES
IN THE CITY OF HAMILTON'S
PRESENT PARKING POLICIES AND PRACTICES

We have been informed that current City practices relating to the financing of parking facilities are ineffective. Further, we have been asked to analyze these practices and to recommend changes that would allow for better financing of the City's parking needs.

The sections that follow present the City's parking regulations, actual practices, associated problems, and recommended changes.

A. THE CITY'S CURRENT PARKING POLICIES HAVE BEEN EXAMINED

Currently in the City of Hamilton, By-Law No. 83-66, "Required Parking for Residential, Institutional and Commercial Uses", requires most developers to provide parking space sufficient to service the parking demand they create. (Commercial development in the downtown core has been traditionally exempt from this requirement even though this is the area of highest need.) Those developers who are unable to comply with this parking requirement within their developments are currently given the option of paying, to the Parking Authority Reserve Account for Offstreet Parking, between 50% and 100% of the cost of creating the necessary parking spaces in the development area. The amount to be contributed for "cash-in-lieu-of parking" is determined by a City committee.

B. CURRENTLY THE CITY'S PARKING REGULATIONS ARE NOT BEING FULLY IMPLEMENTED

The City's Reserve Account for Offstreet Parking is currently underfunded. This has been the result of two practices related to the implementation of the City's parking requirements, namely: the adopted policy of exempting commercial development within the downtown core from compliance with the parking requirements, as well as the "ad hoc" exemption of other types

of commercial development as their cases are brought forth for review. These practices have come about due to the fear that if commercial developers are required to fully comply with the City's parking requirements, that this will lead to a reduction of commercial development taking place in the City.

C. FEARS OF DISCOURAGING COMMERCIAL DEVELOPMENT THROUGH ENFORCEMENT OF THE CITY'S PARKING REGULATIONS ARE MISPLACED

The fears of discouraging commercial development through requiring developers to pay for the parking needs that they create are misplaced and in fact may be counterproductive. In fact commercial development may be harmed by exempting it from complying with the existing parking regulation, if funding does not exist to provide the necessary parking facilities. As it stands the Parking Authority is unable to finance sufficient construction of offstreet parking because of its underfunded Reserve Account for Offstreet Parking.

D. PRESENT PRACTICES WILL MEAN TROUBLE IN THE FUTURE

If the present policy continues into the future one of two things will occur:

- i) The Parking Authority will continue to finance the construction of necessary parking facilities and will incur debt in order to do so. This will mean that existing taxpayers will have to incur the cost of servicing new commercial development with the necessary parking facilities. Effectively this will result in the subsidization of new commercial development by the existing taxpayers. This is not a desirable path to follow as it passes on the costs of providing parking facilities to individuals other than those who will directly benefit from them. As such it goes against the "user pay" approach to capital cost recovery and is thus inequitable.

- ii) The City will experience an extreme parking shortage, and commercial developers may find it undesirable to locate in Hamilton, as there will be inadequate parking facilities to serve them.

Neither of these two outcomes are desirable and should be avoided by altering the City's current parking policies.

E. THE POLICY OF REQUIRING ALL NEW COMMERCIAL DEVELOPMENT TO SUPPLY THE PARKING DEMAND IT CREATES IS SOUND

Requiring all new commercial development to pay for the parking facilities necessary to serve the demand it creates is sound as it:

- i) is an equitable assignment of capital costs, since those who will directly benefit from the parking facilities are those who pay for their construction.
- ii) is fair in that it treats all commercial development in a consistent manner.
- iii) ensures that all commercial developments have a sufficient supply of parking.

F. THERE ARE TWO ALTERNATIVE PARKING POLICIES AVAILABLE WHICH THE CITY MAY APPLY TO REQUIRE COMMERCIAL DEVELOPMENT TO SUPPLY THE PARKING DEMAND IT CREATES

Two alternative solutions to the City's parking problem are considered here:

- 1) Incorporate the cost of financing the building of the necessary parking facilities into the commercial-industrial capital charge. This will ensure that the necessary funds are collected promptly and on time.

The monies collected could then be used to construct the parking facilities required by the new commercial-industrial development.

- 2) Apply the existing by-law on a consistent basis. This includes rescinding the exemption currently granted to commercial development in the downtown core within the by-law. In cases where the "cash-in-lieu" policy is applicable the amount payable should always equal 100% of the cost of constructing the required parking facilities in the development area.

G. AFTER DUE CONSIDERATION OF THE TWO OPTIONS IN SECTION F, OPTION 2 IS THE MOST PRAGMATIC

Of the two options presented in section F, option 2, which would require commercial development to fully comply with the City's parking regulations is the most pragmatic.

There are two problems associated with option F. The first is that the resulting capital charges would be considerably higher than those of other municipalities - the capital charges component attributable solely to the capital requirements of the Parking Authority would be \$60,149 per acre, which is considerably higher than the capital charges of most other townships. This is counter to our stated approach to the calculation of a commercial-industrial levy, which is to ensure the charge is not out of line with that charged by other municipalities.

The second problem is that some developers will provide on-site parking while others won't. A universal development charge would unfairly burden all developers to provide off-site parking for only some of the developments.

Thus we conclude that the alternative of requiring all

commercial development to comply with the City's parking regulations is the better option. In the case of the "cash-in-lieu" this means that no commercial development should be exempted from providing the funds necessary to construct the requisite parking facilities. Therefore the present policy of exempting commercial development, on an "ad-hoc basis" from either the provision of the physical parking facilities or the funds necessary to construct them. This means that if a developer is not able to comply with the City's parking requirement regulations provide the parking dictated by the City he/she should be responsible for remitting the funds covering 100% of the costs necessary to construct the required parking facilities.

6. CONCLUSION

In conclusion, we recommend the following:

- i) Rescind the exemption of commercial development in the downtown core from complying with the prescribed parking requirements, contained within the current by-law.
- ii) Enforce the resulting by-law consistently and without exemption.
- iii) In cases where the "cash-in-lieu of parking" policy applies, the amount payable should equal 100% of the cost of providing the required parking spaces in the development area.

After due consideration, we feel that the stringent application of current parking requirements to all commercial development (including that in the downtown core) along with 100% cost recovery in cases where the "cash-in-lieu of parking" practice is applicable, is the best policy for the City to follow. This will guarantee an adequate

supply of parking facilities within Hamilton and will ensure that these facilities are financed in a fair and equitable fashion.

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 March 29
COMM FILE:
DEPT FILE: 800-0602.4

SUBJECT: Phase IV of the Downtown Action Plan,
Implementation of Sanitation Study Recommendations;
Public Service Announcement (P.S.A.)

RECOMMENDATION:

- a) That, the following prizes be awarded to Mohawk College, Broadcasting students for their submissions in the P.S.A. Competition:
 - 1) First prize - Mr. J. Bradley, Production of "Downtown" - \$500.
 - 2) Second prize - J. Needham - Production of "Heart of the City" - for technical merit - \$250.; and,
- b) That, a five hundred dollars (\$500.) donation be given to Mohawk College of Applied Arts and Technology for the use of equipment and materials during the competition of the Public Service Announcement.
- c) That, the prizes referenced in (a) above be presented to the winners at City Council on 1990 April 10 by Alderman Hinkley, Chairman of the Keep Hamilton Clean Citizens' Committee.

NOTE: Since the winning P.S.A. is scheduled to be released to coincide with Pitch-In Week 1990 May 07 to 13, it is critical that the awards be distributed at the 1990 April 10 City Council.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Funds are available in Phase IV of the Downtown Action Plan.

BACKGROUND:

On 1988 December 01, City Council approved Phase IV of the Downtown Action Plan: the Sanitation Study Recommendations. Step One is to establish a business/municipal liaison committee (Sanitation Implementation Committee) who worked in conjunction with the Keep Hamilton Clean Citizens' Committee.

As a result of several meetings/discussions, the proposal of developing a Public Service Announcement (P.S.A.) was recommended to develop a public awareness to "Keep Hamilton Clean". Mohawk College students were invited to submit/develop a P.S.A. based on a presentation by the Sanitation Implementation Committee. As a result a Public Service Announcement Competition was held.

A Judging Committee consisted of Alderman Hinkley, K. Wallis from Mohawk College, B. James from CHCH TV, a representative from Community Development and Public Works Departments.

The P.S.A. Committee recommends that the above noted prizes be awarded at the City Council meeting scheduled for 1990 April 10. The Awards will also be presented at the Andy Awards which will be aired on CHCH TV on 1990 April 17.

cc: Alderman Wm. McCulloch
Ward Two

Alderman B. Hinkley
Ward Three

Mr. J. Pavelka, Director
Public Works Department

Mr. K. Wallis
Mohawk College of Applied Arts and Technology

Mr. B. Janes
CHCH TV

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 March 28
COMM FILE:
DEPT FILE: 800-0608

SUBJECT: Crown Point West/Stipeley P.R.I.D.E. Programme;
Glendale Spinning Mills Loading Area Access Problems
Adjacent to Belview Park

RECOMMENDATION:

- a) That, for the purpose of providing a truck turning area in Belview Park (Holy Name of Jesus Park site), the residents within a 400 foot radius of this alteration be circularized to gain public input regarding the proposed park design; and,
- b) That, subject to the results of this circularization, a portion of Belview Park be reopened as road allowance to enable trucks destined for Glendale Spinning Mills to safely access the Spinning Mills' loading area; and,
- c) That, the City Solicitor be authorized to prepare the necessary By-law establishing a 20 metre wide road allowance on Belview Avenue at Primrose Avenue.

NOTE: Belview Park is being developed as part of the Crown Point West/Stipeley P.R.I.D.E. Programme.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Funds are available in Crown Point West/Stipeley P.R.I.D.E. Programme Phase II. The approximate costs are ten thousand to twelve thousand dollars (\$10,000. - \$12,000.). A Change Order to the construction contract with McLean Peister Limited will be required.

BACKGROUND:

On 1988 March 29 City Council approved two design options for the Holy Name of Jesus Park Site (Belview Park). Option A allowed for road closure of a portion of Belview Avenue and all of Beck Street to provide for a continuous park adjacent to the Holy Name of Jesus School. Option B closed a portion of Belview Avenue only, leaving Beck Street as through access from Primrose Avenue.

On 1988 July 26 City Council approved Item # 12 of the 11th Report of the Transport and Environment Committee directing the City Solicitor to prepare a By-law to close and retain a portion of Belview Avenue. Therefore the preferred Option A was implemented.

Subsequently, By-law 89-331 was passed on 1989 November 28. Although Glendale Spinning Mills was advised by the Community Development Department that Belview Avenue and Beck Street had been proposed for closure under Option A, they were not circularized during the formal road closure process. Consequently, they did not object to the City's actions. There have been a number of meetings held with the Ward Aldermen, Mr. Kamel, the president of Glendale Spinning Mills and various staff representatives from Engineering, Traffic, Community Development and the Police Department. The only solution appears to be to reopen a portion of Belview Avenue to allow trucks destined for Glendale Spinning Mills to pull across the railway tracks and onto a paved fenced maneuvering area on Belview Avenue just south of Primrose Avenue.

Although, formally, circularization of the neighbourhood residents is not required, it would be advisable given that the Park is already in progress and any change allowing vehicular access could be controversial. No action will be taken until after the circularization process has been undertaken to ensure that the residential community has the opportunity to voice their concerns.

All other progress with construction of Belview Park has been proceeding according to schedule.

cc: Alderman Hinkley, Ward Three

Alderman Drury, Ward Three

Ms. L. Dale, Secretary
Transport and Environment Committee

Ms. L. Dale, Acting Secretary
Parks and Recreation Committee

Mr. T. Gill, Acting Commissioner
Engineering Department

ATTENTION: Mr. R. Meiers, Manager of Project Planning
Engineering Department

Mr. M. Main, Director
Traffic Department

ATTENTION: Mr. M. Hazell, Legislative Administrator
Traffic Department

F. Basciano
Basciano-O'Connor

ATTENTION: Mrs. M. A. Mokrycke

FOR ACTION

8.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 March 13
DEPT FILE: FACADE 72

SUBJECT: Commercial Facade Loan Programme -
80-82 James Street North, Hamilton

MAR 19 1990

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000.) be approved for 80-82 James Street North, Goritsas Brothers Limited c/o John Goritsas. The interest rate will be 7 1/8 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The owners of 80-82 James Street North have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Approval from the Jamesville Business Improvement Area was not required as all work to be undertaken is Property Standards work.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Goritsas Brothers Limited c/o John Goritsas, for improvements to 80-82 James Street North, in the amount of \$30,000. The loan will be amortized over a 10 year period at 7 1/8 percent interest. The monthly payments will be \$350.28 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 March 29
COMM FILE:
DEPT FILE: 800-0014.17

SUBJECT: Main Street West Road Reconstruction;
Western Gateway to Hamilton

RECOMMENDATION:

- a) That, the treatment of sidewalks on Main Street West from the Highway 403 exit ramp to Locke Street be the same as that scheduled to be implemented on Main Street West from Locke to Queen Streets within the B.I.A.; and,
- b) Subject to approval of (a) above, a recommendation be forwarded to the Finance and Administration Committee for their consideration of funding of the Highway 403 to Locke Street portion of the reconstruction project.

NOTE: The Regional Engineering Department is reconstructing Main Street West from the Highway 403 exit ramp to James Street under the 1990 Road and Sidewalk Reconstruction Program. In co-operation with them, the Community Development Department, through the Commercial Improvement Programme, provided funds to upgrade the streetscaping within the Business Improvement Area only (Main Street West from Locke to Queen Streets).

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Funding would be required for the extra costs to upgrade the sidewalk treatment on Main Street West from the Highway 403 exit ramp to Locke Street. Regional Engineering will provide a cost estimate for same.

BACKGROUND:

At its meeting held 1990 February 08, the Downtown Action Plan Co-ordinating Committee (DAPCOM) reviewed the Main Street West Regional Engineering Construction Project in light of the streetscaping being carried on Main Street West from Locke to Queen Streets. The upgrading of Main Street West from Locke to Queen Streets was approved by City Council on 1989 November 14 with funding provided under the Commercial Improvement Programme since this area is a newly designated B.I.A.

This Programme is available for Business Improvement Areas only. Also approved by City Council on 1989 November 14 was the Main Street West Urban Design Analysis provided by the Planning and Development Department which recommended that Main Street West from Locke to Queen Streets be Stage One of a continuing implementation project. DAPCOM is recommending that the staging project be accelerated in order to co-ordinate construction with Regional Engineering Road and Sidewalk Reconstruction Project for 1990. Although this is short notice consideration should be given to this acceleration in order to eliminate any unnecessary disruption to the users of the street in the future.

cc: Alderman McCulloch, Chairman
Downtown Action Plan Co-ordinating Committee

Mr. M. Main, Director
Traffic Department

ATTENTION: Mr. R. Karl, Planning Engineer
Traffic Department

Mr. D. Onishi, Director of Engineering Services
Engineering Department

K. Brenner, Regional Engineering

FOR ACTION

11.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

DATE: 1990 March 19

COMM FILE:

DEPT FILE: C8-1-90

MAR 21 1990

SUBJECT: SUPPLY AND DELIVERY OF OFFICE FURNITURE, COMMUNITY DEVELOPMENT
DEPARTMENT

RECOMMENDATION:

That a purchase order be issued to C.T.I. Business Furnishings, Mississauga, in the amount of \$12,183.30 for the supply and delivery of office furniture, Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) complete quotations received. Funds provided in various Office Furniture Accounts.


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND: Quotation Analysis

C.T.I. Business Furnishings, Mississauga	\$12,183.30
Cloke & Son, Hamilton	13,092.14
Business Interiors, Burlington	13,521.60

12.

F O R A C T I O N

REPORT TO:

**SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE**

**DATE: March 14, 1990
COMM. FILE:
DEPT. FILE: P5-4-7-18**

FROM:

**J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT:

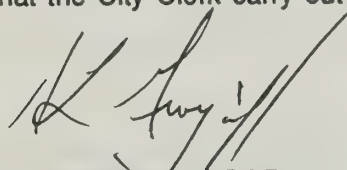
Central Business District Study - Stage II Funding

RECOMMENDATION

That the Council apply to the Ministry of Municipal Affairs for the second stage of funding for the Central Business District Study.

That the Region of Hamilton-Wentworth be asked to endorse the request.

That the City Clerk carry out these recommendations.



**A.L. Georgieff, M.C.I.P.
Director of Local Planning**

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Central Business District is half completed and funds (about \$12,000) for the final portion of the study now need to be requested.

BACKGROUND

- o On March 29, 1988 City Council requested funding for the Central Business District Study (see attached terms of reference).
- o On October 25, 1988 the Ministry of Municipal Affairs awarded a grant of \$22,977.00 for the first stage of the study.
- o The objectives of the CBD Study are:
 1. to define a Central Business District boundary;
 2. to investigate and review the inter-relationship of current and future land use and specify district uses and designs in detail;
 3. to define the role of roads in the Central Area as a framework for pedestrian and vehicular traffic and examine opportunities for vehicular and pedestrian separations;
 4. to define nodes of parking, including the location of multi-storey car parks;
 5. to define areas for potential commercial, residential and other redevelopment in the C.B.D.;
 6. to outline development scenarios for key blocks, with emphasis on the area surrounding Gore Park. This will be done through Planning Design Briefs which will refine land use and urban design requirements;
 7. to attract developers in the C.B.D. by providing a planned development scheme which will result in a high quality and efficient environment in which to invest;
 8. to address suitable locations and designs for open leisure space as part of a pedestrian system;
 9. establish design standards for commercial streets in the C.B.D.; and,
 10. to provide links to surrounding commercial and residential nodes in outlying areas (e.g. Hess Village).
- o A C.B.D. plan would provide:
 1. a vision of the future and a vehicle for comprehensive co-ordination for the growth of the C.B.D.;

2. a strong framework for the City to make decisions about C.B.D. development;
 3. a strong framework for developers and businesses, and consequently an incentive for investment and economic regeneration;
 4. the basis for municipal decisions;
 5. an evaluation basis for individual projects, both private and public; and,
 6. an implementation strategy for economic development.
- o Stage 1 of the study is due to be completed in May 1990.
 - o A Ministry of Municipal Affairs representative has indicated that a 50% grant (\$12,552) is available to complete the study. Allowance has already been made in the Department's work program for funding the remaining 50% of the work.
 - o Three important changes have taken place as a result of ongoing review of the study by the steering committee.
 1. Urban design aspects are being carried out in house and architectural consultants will be hired to prepare schemes in accordance with planning design briefs.
 2. The blocks around the proposed GO station will be studied in addition to the blocks around Gore Park as mentioned in the terms of reference. The area between Gore Park and the proposed GO Station will also be examined.
 3. Greater emphasis will be placed on introducing residential uses into the downtown. Blocks will be studied which have potential for residential redevelopment and conversion. This is in line with the Province's Housing Policy and the Central Area Plan.
 - o Revised cost summaries are attached.

CENTRAL BUSINESS DISTRICT STUDY

REVISED ESTIMATE OF STAFF TIME AND COSTS FOR STAGE II

<u>STAGE II</u>	<u>Days</u>	<u>Cost \$</u>
Manager	5	\$1,305
Planner 1	<u>41</u>	<u>8,800</u>
Total	46	10,105

SUMMARY COST

	<u>\$</u> <u>Stage II</u>
Planning Department Staff (46 days)	10,105
Consultant	7,500
Cartographic and Technical Support	2,000
Printing/Secretarial/Administrative	4,000
Computer (Design and Data Processing)	<u>1,500</u>
Total	25,105

TERMS OF REFERENCE

CENTRAL BUSINESS DISTRICT STUDY PROPOSAL

INTRODUCTION

The purpose of the proposal is to:

1. Provide the BACKGROUND to the study.
2. Define the OBJECTIVES of the study.
3. Outline the STUDY APPROACH.
4. Define the process including PUBLIC PARTICIPATION AND TECHNICAL SUPPORT.
5. Give a TIME SCHEDULE for the study.
6. Provide STUDY COSTS.

1. BACKGROUND

- o Central Hamilton has been designated in both the Regional Official Plan and the City of Hamilton Official Plan as a Regional Centre serving all residents in Hamilton.
- o The Central Area of Hamilton is recognized as being of paramount importance to the economic health and viability of the Region.
- o A Central Area Plan was prepared and adopted by City Council in January, 1981, to guide the growth of the downtown and Central Area.
- o The basic thrust of the Central Area Plan is to create a functionally efficient and environmentally attractive high density, mixed use area.
- o The Central Area Plan Implementation Committee (CAPIC) (see Section 4) has spent the last two years reviewing and updating the document and has recently unanimously approved an updated Central Area Plan reinforcing and carrying further the thrust of the current plan. The new Central Area Plan was adopted by Council as an Official Plan Amendment in October, 1988.

- o The Economic Development Strategy, which was adopted by the Region in January, 1987, supports the quality of life/economic development strategies of the Central Area Plan.
- o The basis for the Central Business District (C.B.D.) Study is in the Central Area Plan's Implementation Strategy which requires the policies of the Central Area Plan to be elaborated on by providing a block-by-block analysis and vision of the future.
- o The plan will establish a framework of potential land uses, pedestrian facilities, parking nodes and transit services to guide and encourage new development.
- o The C.B.D. plan would be in the form of a diagrammatic map showing three-dimensional development rather than written policies, although there may be the need to amend the Central Area Plan, the Neighbourhood Plans and the +15 policies.
- o The C.B.D. plan is particularly timely since:
 - 1) The Central Area Plan objectives have recently been reaffirmed and the policies updated and refined. The policy framework is therefore current.
 - 2) The downtown parking study will soon be completed. This will provide a basis for the C.B.D. study.
 - 3) The GO rail study has been recently completed and the CP (T.H. & B.) station selected as the GO rail terminus, and long distance bus terminal.
 - 4) The Perimeter Road study has recently reaffirmed a concept for a new bypass for the C.B.D. and will establish design details during 1989. The Perimeter Road is a key element in increasing accessibility to the C.B.D. and allowing for further environmental upgrading.
 - 5) The streetscaping improvements initiated as part of the Downtown Action Plan are nearing completion. New priorities for streetscaping need to be established.
 - 6) The +15 policies require updating since they were prepared several years ago. A review tied into the street level pedestrian system is needed.
 - 7) The High Density Residential Study has highlighted the need for additional housing in the Central Area and particularly, the Central Business District.
 - 8) The Central Area is continuing to experience development pressures which could result in major changes to the form of the downtown.

- o A C.B.D plan would provide:
 - 1) a vision of the future and a vehicle for comprehensive co-ordination for the growth of the C.B.D.;
 - 2) a strong framework for the City to make decisions about C.B.D. development;
 - 3) a strong framework for developers and businesses, and consequently an incentive for investment and economic regeneration;
 - 4) the basis for municipal decisions;
 - 5) an evaluation basis for individual projects, both private and public; and,
 - 6) an implementation strategy for economic development.
- o Such documents do not appear to be widely used in Ontario. The project will be on the forefront of Planning in the Province and would help project Hamilton's image as a progressive community. The Province could use the project for educational purposes at conferences and workshops by involving staff and decision makers from Hamilton. Sharing information with other municipalities would help the Province carry out its municipal affairs role.

2. OBJECTIVES

It is proposed that the C.B.D. Study provide a detailed plan for development and redevelopment in the downtown.

The purpose of a C.B.D. Study will be:

- 1) to define a Central Business District boundary;
- 2) to investigate and review the inter-relationship of current and future land use and specify district uses and designs in detail;
- 3) to define the role of roads in the Central Area as a framework for pedestrian and vehicular traffic and examine opportunities for vehicular and pedestrian separations;
- 4) to define nodes of parking, including the location of multi-storey car parks;
- 5) to define areas for potential commercial, residential and other redevelopment in the C.B.D.;

- 6) to outline development scenarios for key blocks, with emphasis on the area surrounding Gore Park. This will be done through Planning Design Briefs which will refine land use and urban design requirements;
- 7) to attract developers to the C.B.D. by providing a planned development scheme which will result in a high quality and efficient environment in which to invest;
- 8) to address suitable locations and designs for open leisure space as part of a pedestrian system;
- 9) establish design standards for commercial streets in the C.B.D.; and,
- 10) to provide links to surrounding commercial and residential nodes in outlying areas (e.g., Hess Village).

3. STUDY APPROACH

The Study will be undertaken in the following phases:

- o Phase 1 (BACKGROUND) will examine current trends in the downtown, delineate a C.B.D. boundary and identify opportunities and constraints to development.
- o Phase 2 (ANALYSIS) will analyze trends and opportunities for potential development.
- o Phase 3 (POLICY DEVELOPMENT) will define specific land use designations and policies to guide development in the downtown.
- o Phase 4 (DEVELOPMENT STRATEGIES) will outline development strategies for specific blocks in the downtown.
- o Phase 5 (IMPLEMENTATION) will consist of the implementation of the Study.

PHASE 1 - BACKGROUND

Phase 1 will review current conditions and trends affecting the Central Business District. In addition, a C.B.D. boundary will be defined during this phase of the Study.

This phase of the study will consist of the following steps:

1. Identify the C.B.D. boundary. To date, specific boundaries for the City's C.B.D. have yet to be established.

2. Review current policies which affect development and land use in the Central Business District, including:
 - o Regional Official Plan;
 - o Hamilton Official Plan;
 - o Downtown Action Plan;
 - o Regional Economic Strategy;
 - o Neighbourhood Plans; and,
 - o +15 policies.
3. Establish a hierarchy of roads and pedestrian routes in the Central Area.
4. Identify development constraints in the Central Business District. These constraints include:
 - o land costs;
 - o heritage buildings and areas;
 - o zoning and site plan regulations;
 - o market conditions; and,
 - o condition of buildings.
5. Review past trends relating to:
 - o demographic and household characteristics;
 - o employment;
 - o development activities;
 - o land uses;
 - o business activities;
 - o movement (pedestrian, traffic, transit and bicycles); and,
 - o parking and loading.

Background information and presentation panels will be prepared and reviewed by CAPIC and the Technical Committee. Consultants will be hired and used on a technical and advisory basis.

PHASE 2 - ANALYSIS

This phase of the Study will examine and identify opportunities for redevelopment in the Central Business District, particularly key blocks which are presently vacant or underutilized. In addition, the Study will analyze the present and future functions of areas within the C.B.D. and identify opportunities for linkages.

Phase 2 of the Study will include the following steps:

1. Analyze need for facilities and services.

2. Identify key properties, block and areas on which development or redevelopment would be appropriate. These will be primarily vacant and underutilized sites or have potential for rehabilitation. During this exercise, areas which merit preservation will also be identified.
3. Analyze the potential for changes in land uses and activities and identify preferred land use on a property basis.
4. Examine the inter-relationship of buildings and areas. Existing and potential linkages between areas will also be identified.
5. Review problems and issues associated with development and activities within the C.B.D., e.g., parking, through-traffic and pedestrian movement.
6. Identify unique areas which may merit special policy attention, e.g., transitional, institutional or government services, retail, mixed use, residential and office areas.
7. Address the impact of policies and regulations on C.B.D. development. Examples include current restrictions and opportunities for residential or mixed use development..

Work will be reviewed by the Technical Committee. Meetings will be held with appropriate agencies, including CAPIC, for information purposes. Consultants will be used in an advisory capacity.

PHASE 3 - POLICY DEVELOPMENT

Land use and urban design options will be developed, evaluated and a preferred concept developed. The need for policy changes will be reviewed.

Steps in this phase will be:

1. Generation of alternative land use and urban designs. Potential land uses at various levels will be identified and the pedestrian linkages of the internal block will be established. Entrance points of each block will be worked out to ensure that the inter-relationship of each block as well as the overall development of the C.B.D. functions well.
2. Evaluation of Options

Work will be reviewed by the Technical Committee. Meetings will be held with appropriate agencies, including CAPIC, for information purposes. A consultant will be used extensively to prepare designs, renderings and isometric drawings on a block-by-block basis. A computer aided design system will be used as necessary. An open house will be held.

PHASE 4 - DEVELOPMENT STRATEGIES

Phase 4 of the Study is intended to catalyze development on key blocks. Planning design briefs will be prepared for guidance of publicly and/or privately owned blocks.

Steps in this phase are:

1. Development of a blueprint for the future will be established in map form. Although developments may not follow the blueprint, the overall concept should be preserved.
2. Review of the Central Area Plan, Neighbourhood Plan, and other policies to determine need for changes.
3. Identify blocks based on the importance of the block for redevelopment and to the C.B.D.
4. Develop a planning brief including land use, massing, setbacks, heights, pedestrian linkages, servicing, historic preservation, etc. Visual representations will be prepared to suggest type and appearance of possible development.

Work in this phase will be reviewed by the Technical Committee. A consultant will be used to prepare the preferred concept and illustrate the planning design briefs. A computer aided design system will be used as necessary. A public meeting will be held to review the development strategies. Meetings will be held with appropriate agencies, including CAPIC, for input.

PHASE 5 - IMPLEMENTATION

This phase will involve a final report which will include recommendations on:

- o the C.B.D. plan;
- o the necessary policy changes; and,
- o setting up the mechanisms for initiating development on key blocks and monitoring.

The work will be reviewed by the Technical Committee. Meetings will be held with appropriate agencies, including CAPIC, for input. Agency comments will be incorporated as appropriate. The document will be presented to the Planning and Development Committee and Council at a public meeting and the necessary approvals will be obtained from Council.

4. PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The involvement of a Technical Committee and the Central Area Plan Implementation Committee has already been noted in the Study Approach. A Technical Committee will be formed from the following agencies:

- o Planning and Development Department;
- o Community Development Department;
- o Parking Authority;
- o Traffic Department;
- o Economic Development Department; and,
- o Ministry of Municipal Affairs.

The current CAPIC membership is as follows:

Alderman David Christopherson (Chairperson)
 Rev. Charles Forsyth, (Vice-Chairperson) First Place
 Mark Boyak, Hamilton Real Estate Board
 Bruce Charlton, Past Chairperson
 Russell Elman, Coalition on Sensible Transit and Durand Association
 Ozzie Ferguson, United Senior Citizens of Ontario
 Arthur Lomax, Hamilton Automobile Club
 Gabriel Etele, Downtown Business Improvement Area
 Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board
 Bruce Rankin, Hamilton Society of Architects
 Gillian Simmons, North End Neighbourhood
 Gloria DeSanits (Clodagh Stoker-Long, alternative) Social Planning and Research Council
 Marvin Wasserman, King East Business Association
 Diane Brown, Com-Can Mercantile Realty Corporation
 Helen Nemeth, Beasley Neighbourhood Resident
 Ken Stone, Hamilton District Labour Council
 John Eyles, McMaster University
 Francois Roesch, Corktown Neighbourhood
 Anne Stewart, Hamilton-Wentworth Public School Board

Other relevant agencies, such as the Urban Design Committee, LACAC, (subcommittees of the City's Planning and Development Committee) will be consulted for input.

The general public will be involved at a public open house at the end of Phase 3, at a public meeting in Phase 4, and the joint council presentation in Phase 5.

The Planning and Development Department will co-ordinate the project. Architectural/Urban Design Consultants will be used to supplement in-house expertise.

5. STUDY TIMING

It is anticipated that the Study will take 15 months of lapsed time, starting in August, 1989 (see Appendix 1).

6. STUDY COSTS

The total cost of the Study is estimated to be \$70,110, broken down in Table 1.

It is anticipated that funding for 50% of the Study Costs could be provided from the Ministry of Municipal Affairs in the form of a Community Planning Grant. The City would be responsible for the remaining costs of the study, which would be derived from the Planning Department budget, through assignment of Planning staff and support services

DG:CS
CBDSProp

CENTRAL BUSINESS DISTRICT STUDY
ESTIMATE OF STAFF TIME AND COSTS

STAGE I

Phase 1	BACKGROUND	DAYS	COST \$
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	10	1,540
	Student	<u>60</u>	<u>8,100</u>
		85	12,720
Phase 2	ANALYSIS	DAYS	COST \$
	Manager	5	1,190
	Planner 1	25	4,725
	Planner 3	25	3,850
	Student	<u>05</u>	<u>675</u>
		60	10,440
Phase 3	POLICY DEVELOPMENT	DAYS	COST \$
	Manager	10	2,380
	Planner 1	15	2,835
	Planner 3	<u>20</u>	<u>3,080</u>
		45	8,295
Total		190	\$ 31,455

STAGE II

Phase 4	DEVELOPMENT STRATEGIES	DAYS	COST \$
	Manager	10	2,380
	Planner 1	25	4,725
	Planner 3	<u>20</u>	<u>3,080</u>
		55	10,185
Phase 5	IMPLEMENTATION		
	Manager	5	1,190
	Planner 1	<u>20</u>	<u>3,780</u>
		25	4,970
Total		80	\$ 15,155
Planning Department Staff Time - Overall Total		270 Days	\$ 46,610

SUMMARY COST

	\$ Stage I	\$ Stage II	\$ Total
Planning Department Staff (255 days)	31,455	15,155	46,610
Consultant	7,500	2,500	10,000
Cartographic and Technical Support	5,000	2,000	7,000
Printing/Secretarial/Administrative	1,000	4,000	5,000
Computer	<u>1,000</u>	<u>500</u>	<u>1,500</u>
TOTAL	45,955	24,155	70,110

CENTRAL BUSINESS DISTRICT - SCHEDULE

1989	1990														
AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.

Phase 1
BACKGROUND

Phase 2
ANALYSIS

Phase 3
POLICY DEVELOPMENT

Phase 4
DEVELOPMENT STRATEGIES

Phase 5
IMPLEMENTATION

TC	AM	TC	AM	TC	TC	AM	TC	TC	AM	PD	PM	TC	AM	TC	PD	PM
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TC Technical Committee
 AM Agency Meetings including Central Area Plan Implementation Committee (CAPIC)
 PD Planning and Development Committee

FOR ACTION

13.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 March 28
COMM FILE:
DEPT FILE:

SUBJECT: Lease Agreement - Pigott Lobby Windows

RECOMMENDATION:

- (a) That Section 23 of the fourth Report for 1990 of the Planning & Development Committee as approved by City Council on 1990 February 13 respecting the preparation of a sale agreement for the Pigott Lobby windows be rescinded, and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate lease agreement between the property owner and the City, and
- (c) That Reemark Heritage Gardens Ltd. pay to the City a one-time payment in the amount of \$15,000.00 and a \$1.00 per year payment for 99 years to lease the Pigott stained glass windows from the City, and
- (d) That approval of the said lease agreement be subject to the satisfactory arrangement of the installation and the permanent protection of the windows in the Pigott building lobby between the City and the property owner, and
- (e) That the Heritage Hamilton Foundation be reimbursed for their contribution (\$3,240.00) for the purchase of these windows and that the remaining monies received from Reemark Heritage Gardens Ltd. for the leasing of these windows be returned to the City (Reserve Fund for the Acquisition of Historic Properties), and
- (f) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The \$15,000.00 payment will reimburse the Heritage Hamilton Foundation in the amount of \$3,240.00 for their contribution and will also reimburse the City for any monies used in the purchase of these windows.

BACKGROUND:

City Council at its meeting held 1989 November 28 approved that the City enter into a lease agreement with owners of the Pigott Building respecting the reinstallation of the stained glass windows in their original location (Pigott Building lobby) with suitable protection.

At that time, the owner of the Pigott Building wished to purchase the windows and not enter into a lease agreement with the City. City Council then, at its meeting held 1990 February 13 approved that the City Solicitor prepare an agreement of sale contingent on a number of factors. One of these said stipulations was that a heritage easement be in place between the Ontario Heritage Foundation and the property owner. Reemark Heritage Gardens Ltd. has since notified the City that they are not prepared to enter into a Heritage Easement at this time and are requesting that the original plan to lease the windows be in place as soon as possible.

A representative of Reemark Heritage Gardens Ltd. attended the last meeting of the Local Architectural Conservation Advisory Committee held on 1990 March 26 and supported the new recommendation to lease the windows from the City.

CJC/jc

cc: Mr. A. Georgieff
Director of Local Planning

Mrs. N. Chapple
Planning Department

Mr. L. Farr
City Solicitor's Office

FOR ACTION

14.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 March 27

COMM FILE:

DEPT FILE:

SUBJECT: HERITAGE EASEMENT--STINSON ST. SCHOOL

RECOMMENDATION:

- (a) That a Heritage Easement be signed between the City of Hamilton and the Hamilton Board of Education for the designated property known as the Stinson Street School at 180 Stinson Street as a pre-requisite for the provincial Community Facilities Improvement Program (C.F.I.P.) grant;
- (b) That the City Solicitor be authorized and directed to take appropriate action to implement this Heritage Easement.

NOTE: The Ministry of Culture and Communications through its C.F.I.P. funding has awarded a matching grant of \$147,200.00 to the Hamilton Board of Education for restoration of the Stinson Street School.

C. Coutts

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Stinson Street School was designated by City Council under the Ontario Heritage Act on 1989 July 26.

The Local Architectural Conservation Advisory Committee at its meeting held 1990 March 26 gave preliminary approval to this recommendation.

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department

Corporation of the City of Hamilton

Memorandum

TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Strathcona Firehall Action Committee

OUR FILE:

PHONE: 546-3994

SUBJECT: **STRATHCONA FIREHALL -**
RELOCATION TO VICTORIA PARK

DATE: 1990 March 19

MAR 21 1990

The former Strathcona Firehall located on the north west corner of Strathcona Avenue North and Head Street that represents the last of five permanent neighbourhood fire stations built in Hamilton during the late 19th Century may soon be demolished if an alternate site cannot be found for the building.

This property was designated by City Council as a property of historical and/or architectural value, pursuant to the provisions of the Ontario Heritage Act, but the designation has since been removed at the owner's request and the building can now be demolished at any time.

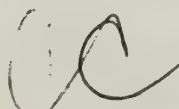
The Strathcona Firehall Action Committee has since been formed (consisting of local politicians, citizen members and staff) to determine a means of preserving this historic building.

Since the owner, the Hellenic Community, are anxious to commence development on this property, immediate attention is required to move this building before it is demolished.

The Strathcona Firehall Action Committee are recommending that the building be moved across the street to a site in Victoria Park and are, at this time, asking to appear as a delegation before the Planning and Development Committee at its meeting to be held on 1990 April 4 to initiate discussion respecting zoning changes, etc.

Kindly place this item on the agenda for this meeting and inform me of the time that it will appear before the Committee in order that I may notify the appropriate individuals.

Your assistance in this regard is most appreciated.


CC/mec

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 23, 1990

COMM. FILE:

DEPT. FILE: ZA-90-03

Kennedy

East

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a further modification in zoning - No. 41 Rymal Road West.

RECOMMENDATION

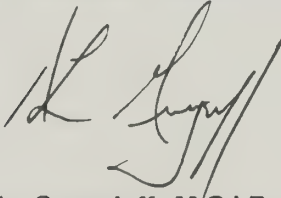
That approval be given to Zoning Application 90-03, Ashok Kumar, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit an eight bay self-service car wash and accessory office, for property located at No. 41 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-320, be further modified to include the following as a special provision:
 - a) That subsection (a) of Section 2 of By-law No. 89-320 be deleted and the following substituted therefore:
 - 1. Notwithstanding section 14A(1) of By-law No. 6593, the following Commercial Uses shall be permitted:
 - (a) A coin-operated, manual car wash consisting of not more than eight (8) bays;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1129a, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1129a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for property located at No. 41 Rymal Road West, as shown on the attached key map.

The effect of the By-law is to permit an eight bay, coin-operated manual car wash and accessory office on the subject property.



A.L. Georgleff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to use the subject lands for an eight bay self service car wash and accessory office.

o Zoning Application 89-25 - 41 Rymal Road West

At its meeting held on June 14, 1989, the Planning and Development Committee approved Zoning Application 89-25 for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit an eight bay closed car wash on the subject property.

City Council, at its meeting held on June 27, 1989, adopted the recommendation of the Planning and Development Committee.

By-law No. 89-320, which implements the foregoing, came into effect on December 19, 1989. This By-law has special provisions that require a landscaped strip and visual barrier along the rear lot line only and reduction of the required side yards.

o Zoning Application 89-71 - 57 Rymal Road West

At its meeting held on October 11, 1989, the Planning and Development Committee approved Zoning Application 89-71 for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 57 Rymal Road West.

City Council, at its meeting held on October 31, 1989, adopted the recommendation of the Planning and Development Committee.

o Zoning Application 89-21 - 35 Rymal Road West

At its meeting held on June 14, 1989, the Planning and Development Committee approved Zoning Application 89-21 for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 35 Rymal Road West.

City Council, at its meeting held on June 27, 1989, adopted the recommendation of the Planning and Development Committee.

APPLICANT

Ashok Kumar, owner.

LOT SIZE AND AREA

The subject property is a rectangular shaped piece of property having:

- o 18.3 m (60 feet) of lot frontage along Rymal Road West;
- o 60.96 m (200 feet) of lot depth; and,
- o 114.8 m² (12,000 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family residence	"HH" (Restricted Community Shopping and Commercial) District, modified

Surrounding Lands

to the north	vacant	"G-1" (Designed Shopping Centre) District
to the south	single-family residences	"C" (Urban Protected Residential, etc.) District
to the west	vacant	"HH" (Restricted Community Shopping and Commercial) District, modified
to the east	single-family	"HH" (Restricted Community Shopping and Commercial) District, modified

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Kennedy East Neighbourhood Plan, the proposal complies with the intent of the plan.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Hamilton-Wentworth Regional Police Department.
- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.0 m (118.1 feet). In accordance with this designation, we recommend that as a condition of approval that a strip of land 4.8936 m be dedicated to the Region for road widening purposes. All setbacks for zoning etc. are to be taken from the widened limits of Rymal Road.

In the absence of any details shown, we advise that any works which may occur within the Rymal Road road allowance as widened, must conform to the Region's Road Use By-law.

In our previous comments, we had recommended that these lands be developed in conjunction with lands to the east and west for common access to Rymal Road since these properties have reduced frontages on Rymal Road. The owner should be advised that the access to this property may be restricted to right turn in and right turn out only in the future due to the construction of raised concrete median islands on Rymal Road. Furthermore, the applicant/owner may be required to contribute monies to these road works should the approval of the zoning require their construction.

Details on grading of accesses etc. are to be resolved at the site plan stage."

o The Building Department has advised that:

- "1. The proposed building requires a 12.0 m front yard setback from the street line (road widening) and 6.0 m rear yard setback.
2. Parking spaces having dimensions of at least 2.7 m x 6.0 m require a manoeuvring space aisle width of 6.0 m.
3. Parallel parking spaces shall be at least 2.5 m x 6.7 m and require a 3.7 m manoeuvring space aisle width.
4. The access driveway shall have a width of at least 5.5 m.
5. The car wash does not appear to be completely enclosed as required under By-law 89-320."

o The Traffic Department has advised that:

"In response to your letter of 1990 January 11, please be advised that we have reviewed the above-noted application and find the requested zoning modification to be satisfactory provided that the property is placed under site plan control.

We have a number of concerns regarding the site plan that were outlined in our 1990 December 19 letter for DA-89-73. They are as follows:

There is also insufficient room for vehicles to exit and turn around from the south bays.

We suggest the layout of car wash bays be designed similar to the layout shown on the attached plan. This layout will provide turning room for vehicles entering and exiting the bays as well as maintaining adequate storage area for vehicles."

COMMENTS

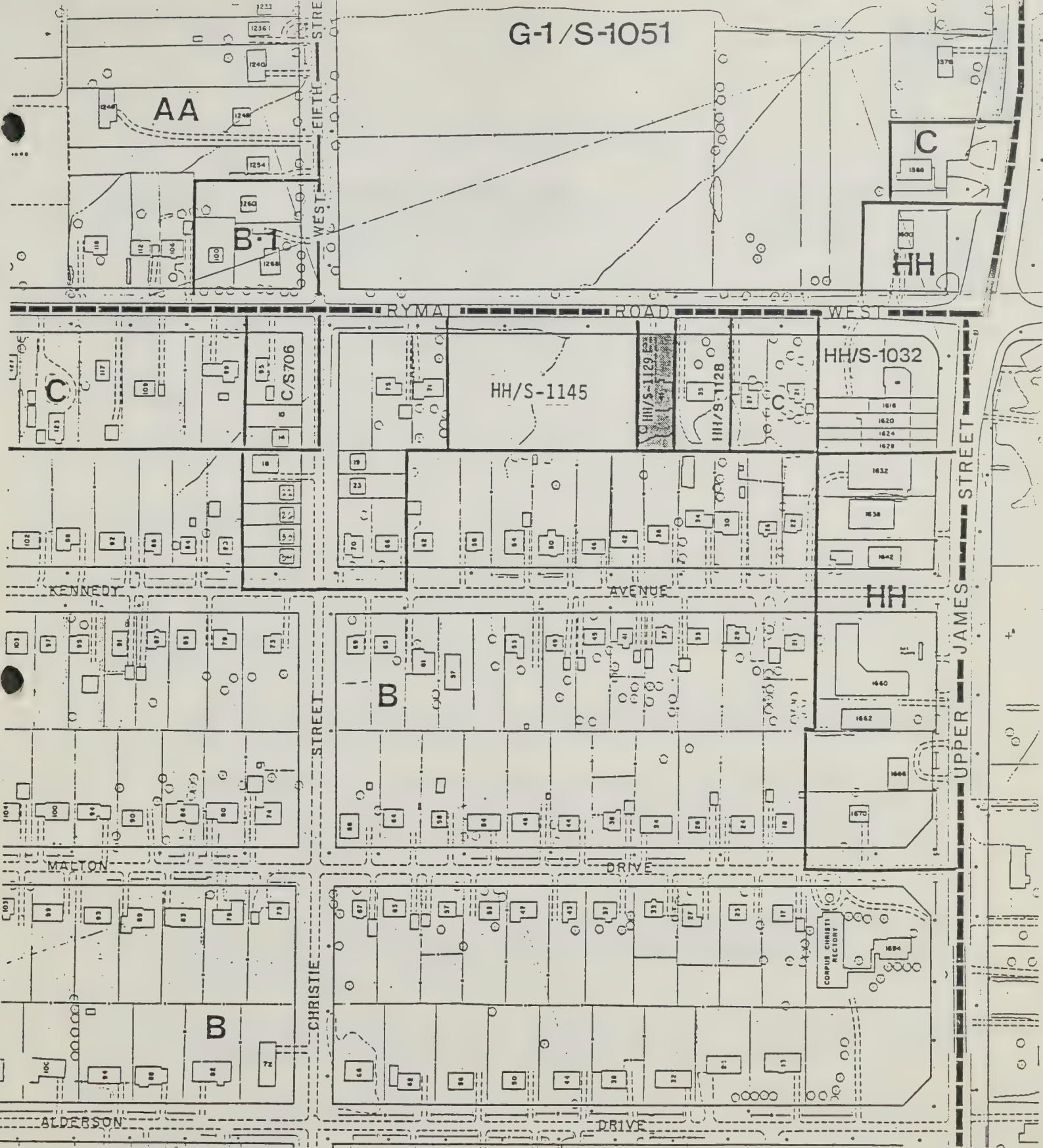
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of both the Official Plan and the approved Kennedy Neighbourhood Plan;
 - ii) it would be compatible with existing and future intended commercial development along Rymal Road West; and,
 - iii) the requested eight bay open car wash is no less feasible than the eight bay closed car wash permitted on the site.
4. The subject lands abut a residential zoning district to the south. By-law No. 89-320, applicable to the subject lands, requires a visual barrier of not less than 1.2 m (3.94 feet) and not more than 2.0 m (6.56 feet) high to be provided and maintained along the southerly lot line. This is to adequately screen and buffer the adjoining residential properties. In addition, the "HH" District regulations require a rear yard setback of at least 6.0 m (19.69 feet) to be provided. Within this setback, the applicant is also required to provide a landscaped planting strip with a width of at least 3.0 m (9.48 feet) in order to mitigate any possible adverse effect of the proposal on the adjacent residential uses. These requirements will still apply to the subject property.
5. On the basis of a preliminary site plan, variances for the front yard, rear yard, parking spaces, and the access driveway have been identified. The applicant has not submitted any reasons to justify the variances nor are there any physical constraints on the site that would prohibit the applicant from building in accordance with the "HH" District regulations. It should be noted that no provision was made for any of these variances under the original application. Furthermore, the only difference in this application is to make the car wash "open" rather than "enclosed". Accordingly, no variances can be supported for this property.
6. The Hamilton-Wentworth Engineering Department has advised of land to be dedicated to the Region for road widening purposes. In addition, the Department has advised that the applicant should be aware access to the property may be restricted, and the applicant may be required to contribute financially for the road works.

7. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as access, landscaping, and parking as well as the concerns of the Traffic Department will be dealt with during the Site Plan approval stage.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA9003



LEGEND



SITE OF THE APPLICATION



19.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 28, 1990
COMM. FILE:
DEPT. FILE: ZA-89-133
Beasley
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

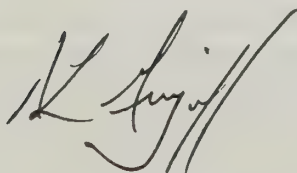
SUBJECT:

Request for a change in zoning - Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street.

RECOMMENDATION

That Zoning Application 89-133, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified to construct a two-storey office building, for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "HIGH DENSITY APARTMENTS";
- ii) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning district to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"). The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;
- iii) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area; and,
- iv) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law.



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants' intention to construct a two-storey building to be used as offices for a real estate company and a property management company. The existing buildings, which currently are nine residential dwellings (according to the assessment records), would be demolished.

APPLICANT

Fiore Manganiello, owner.

LOT SIZE AND AREA

- o 31.6 m (103.6 feet) of lot frontage on Wellington Street North;
- o 24.7 m (81 feet) of lot frontage on Wilson Street; and,
- o 779.6 m² (8,391.6 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	attached houses	"L-mr-2" (Planned Development - Multiple Residential) District
<u>Surrounding Lands</u>		
to the north and south	apartment building	"E-3" (High Density Multiple Dwellings) District, modified
to the west	attached houses	"L-mr-2" (Planned Development - Multiple Residential) District
to the east	commercial	"H" (Community Shopping and Commercial, etc.) District, modified

OFFICIAL PLAN

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept, the following policies are applicable:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA as shown on Schedule "A" will be for the following uses:
- i) Commercial Uses, such as but not limited to, retail department stores; food, speciality and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial Policies set out in Subsection A.2.2 of this Plan.
- A.2.8.2 The locations of uses permitted within the Central Policy Area will be identified and detailed through the preparation of a Neighbourhood Plan."

In addition to the above, the subject lands are also located within SPECIAL POLICY AREA 3 on Schedule "B" - Special Policy Areas. The following policy should also be noted:

- "2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);
- iii) Council will encourage the relocation of non-residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;"

While the commercial policies for the central area encourage commercial development, the subject lands are also in Special Policy Area 3. The policies applicable to Special Policy Area 3 encourage the protection of existing housing and also promote new housing within this area. This proposal is to remove nine residential units from the existing housing stock as well as to use land designated for housing in the neighbourhood plan and the Zoning By-law for commercial purposes. Therefore, the proposal does not comply with the intent of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN

Designated "HIGH DENSITY APARTMENTS" on the approved Beasley Neighbourhood Plan, the proposal conflicts with the intent of the Plan. Approval of the application would require a redesignation to "COMMERCIAL".

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority.
- o The Building Department has advised that:
 - "1. This Department has considered Wellington Street North as the front lot line.
 - 2. The proposed building shall be set back from the front lot line so that the canopy and the entrance door do not encroach over the road allowance.
 - 3. The southerly side yard shall be 1.5 m minimum and the westerly rear yard shall be 4.5 m minimum.
 - 4. Based on a floor area of 632.90 m² a minimum of three (3) parking spaces and one (1) 3.7 m x 9.0 m x 4.3 m loading space are required.
 - 5. Dimensions of parking spaces, manoeuvring spaces and access driveways have not been provided to determine compliance."
- o The Traffic Department has advised that:
 - "...we have reviewed the above-noted application and find it satisfactory subject to the property being placed under site plan control in order to ensure proper design of access and parking facilities."
- o To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

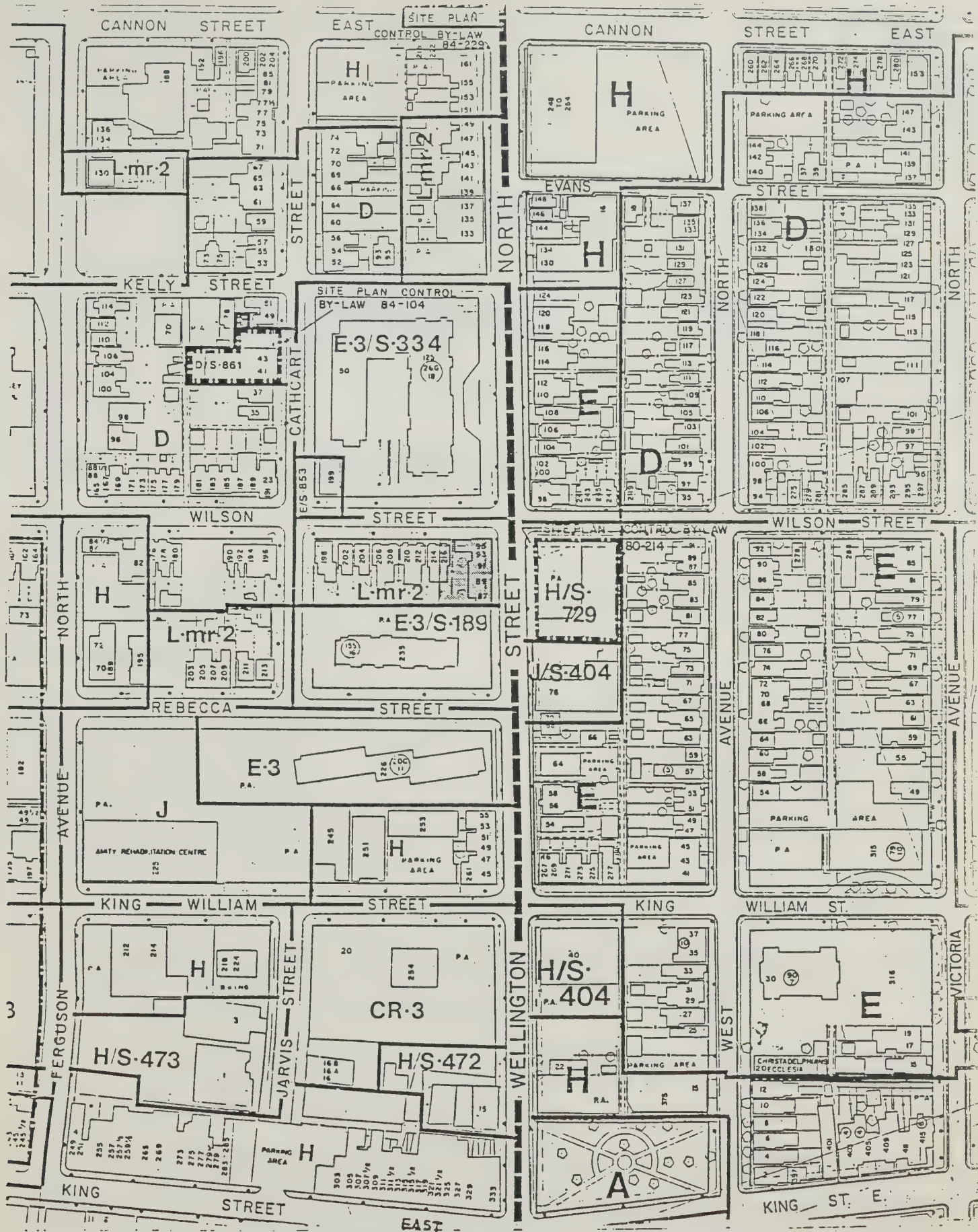
COMMENTS

1. The proposal does not comply with the intent of the Official Plan. However, approval of the application would not require an Official Plan amendment.
2. The application conflicts with the intent of the approved Beasley Neighbourhood Plan. Approval of the application would require a redesignation from "HIGH DENSITY APARTMENTS" to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
 - i) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan;
 - ii) It conflicts with the intent of the Zoning By-law. The "L-mr-2" (Planned Development - Multiple Residential) District functions as a holding zone for future medium and high density residential development. The Zoning By-law delineates the zoning districts to which an "L-mr-2" District can be rezoned and these districts are "E" (Multiple Dwellings, Lodges, Clubs, etc.), "E-1" (Multiple Dwellings, Lodges, Clubs, etc.), or "E-3" (High Density Multiple Dwellings). The proponent is requesting a rezoning to the "H" (Community Shopping and Commercial, etc.) District which is contrary to the intent of the Zoning By-law; and,
 - iii) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area; and,
 - iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

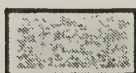
CONCLUSION

On the basis of the foregoing, the application cannot be supported.

MLT/bs
WPZA89133



LEGEND



SITE OF THE APPLICATION



FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 27, 1990

COMM.FILE:

DEPT.FILE: ZA-89-126

Thorner

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning and for a further modification to existing zoning - property located in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road.

RECOMMENDATION

That approval be given to Zoning Application 89-126, The Ukrainian Villa of the Resurrection Church in Hamilton, owner and lessee, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the established "E-2" (Multiple Dwellings) District (Block "2"), to permit a new 6 storey, 77 unit senior citizens residence to be connected to the existing senior citizens residence, for property located in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
- ii) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593, as amended by By-law 82-99, applicable to Blocks "1" and "2" be further modified to include the following variances as special requirements.
 - a) That Section 2.(b)(i) of By-law No. 82-99 be amended by changing the number of dwelling units from "100" to "152", and the gross floor area from "7,884.049 square metres" to "10,550.0 square metres";
 - b) That the following new subclauses be added to Section 2 of By-law No. 82-99:
 - "(iii) notwithstanding Section 11B(3)(ii)(b) of By-law No. 6593 a minimum side yard of 3.0 m shall be permitted.

- (iv) notwithstanding Section 18A(14) four parking spaces shall be permitted in the required front yard adjacent to Upper Wentworth Street."
- c) That Section 18A(11)(a) and (12)(b) and (c) shall not apply to the loading space.
- iii) That Schedule "A" to By-law No. 82-99 be amended by adding thereto the lands described as Block "1" on the attached map marked as APPENDIX "A".
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-789a, and that the subject lands on Zoning District Map E-27 be notated S-789a;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;
- vi) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

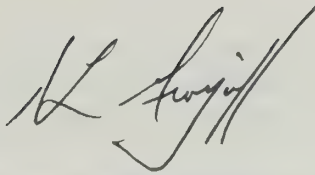
EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the "E-2" (Multiple Dwellings) District (Block "2"), for property located in the area south of Mohawk Road East, between Upper Wentworth Street and Mall Road, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a new 6 storey, 77 unit senior citizens residence to be connected to the existing senior citizens residence.

In addition, the By-law provides for the following variances:

- to permit a combined senior citizen's apartment development having a total of 152 dwelling units and a maximum gross floor area of 10,550.0 m², whereas a 100 unit senior citizen's apartment building having a maximum gross floor area of 7,884.049 m² is permitted;
- to permit a minimum side yard of 3.0 m for the development whereas a minimum side yard of 13.5 m is required;
- to permit four parking spaces in the required front yard adjacent to Upper Wentworth Street;
- to exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m high to 2.0 m high visual barrier between the most westerly loading space and the adjoining residential district to the north.



A.L. Georgleff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- **Proposal**

The purpose of the proposed modification and change in zoning is to permit the construction of a 6 storey, 77 unit addition to the existing senior citizens residence. The proposed addition will be located on the southerly part of the subject land together with 36 parking spaces and landscaped areas (see APPENDIX "B").

- **By-law 82-99**

On April 27, 1982 City Council passed By-law 82-99 which rezoned adjoining lands to the north forming part of the total site from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District. The purpose of the change was to permit, in addition to the existing church, a parish hall and a 100 unit senior citizen's apartment building having a maximum gross floor area of 7,884.049 m². The By-law also permitted two principal uses on the site.

APPLICANT

The Ukrainian Villa of The Resurrection Church in Hamilton, owner/land lessee.

LOT SIZE AND AREA

An irregular shaped parcel of land having approximately:

- 165.7 m (543.7 ft.) of lot frontage on Upper Wentworth Street;
- 145.04 m (475.85 ft.) average lot depth; and,

- a total site area of 1.7 ha 4.3 ac.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	church, church hall, a 75 unit senior citizens apartment building and vacant land	"E-2" (Multiple Dwellings) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings and a commercial use	"C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District
to the south	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the east	church, church manse	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings, a two-family dwelling and a dwelling converted to a medical office	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District, modified

OFFICIAL PLAN

Designated "Major Institutional" on Schedule A - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

- "A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious and governmental activities and related uses.
- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, residential uses may be permitted provided they are compatible with the surrounding area".

In addition to the above, the subject lands are located in the vicinity of a Sub-Regional Centre on Schedule A of the Official Plan. The following policy promotes residential uses of higher densities, as well as, Major Institutional uses, within the area surrounding the Sub-Regional Centre:

"A.2.2.5 It is further intended that lands within the area designated in the Regional Official Plan as "Urban Policy Area" surrounding the Sub-Regional Centres will include the following uses complementary to those uses existing within these centres:

- i) Residential Uses of higher densities;
- ii) Retail Uses, as well as some offices; and,
- iii) Major Institutional Uses, including social, community and health services".

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "MEDIUM DENSITY APARTMENTS" on the approved Thorner Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

"1. The subject lands are municipally known as:

821 Upper Wentworth Street (church)
833 Upper Wentworth Street (vacant land)
18 Mall Road (Existing Residential Building)

- 2. The existing residential building containing 75 units was approved under DA-83-04 and amended under DA-85-43.
- 3. In 1986 a storage shed was erected on the site. The assessment roll indicates the building contains 76 units.

The proposed enclosed link of the two buildings is located on the existing site lands. All these changes to the existing site shall affect the gross floor area and the landscaped area, therefore the figures shall be revised accordingly.

- 4. The lands for residential development is considered a "through lot".

5. A minimum front yard of 12.0 m is required from both street lines.
6. A minimum side yard of 13.5 m is required from all other lot lines to building (enclosed balconies).
7. Based on a total lot area of 9,024.4 m² for residential purposes, the maximum gross floor area is 10,739.04 m² and the minimum landscaped area is 2,256.1 m².
8. The gross floor area of the proposed building shall include the enclosed balconies. The gross floor area shall be calculated in accordance to the provisions of Section 2(2)(i)(viii) of Zoning By-law 6593. The gross floor area of 4,905.56 m² does not include all floor areas of the building.
9. A letter is required from the Ministry of Municipal Affairs and Housing stating that this senior citizens multiple dwelling qualifies to receive aid from the Province of Ontario under the Elderly Persons Housing Aid Act.
10. If this development is a Home for Elderly Persons containing a total of 152 dwelling units, a minimum of 43 parking spaces are required.
11. Two loading spaces are required for this development, one 3.7 m x 9.0 m x 4.3 m and one 3.7 m x 18.0 m x 4.3 m.
12. No part of the parking area is permitted in the required front yard.
13. By-law 82-99 permits a 100 dwelling unit senior citizens apartment building having a gross floor area not greater than 7,884.049 m². Therefore, the By-law shall be amended to accommodate 152 dwelling units and a greater gross floor area."

In addition to the above variances, the Building Department has verbally advised that a 1.5 m wide landscaped strip and a 1.2 m high to 2.0 m high visual barrier is required between the proposed loading space and the adjoining residential district to the north.

- The Traffic Department has advised that:

"...we have reviewed this application and find it to be satisfactory. We have also reviewed the preliminary plans submitted with the application and note that the loading space indicated on the plan is substandard in size. We would suggest that this issue can best be resolved at the site plan control stage."

- The Hamilton-Wentworth Engineering Department has advised that:

"...municipal water and separate storm and sanitary sewers are available to service the site. According to our records, all road allowance widenings on Upper Wentworth Street and Mall Road have previously been acquired. Therefore, we do not anticipate any further road allowance widenings at this time. In the absence of any details shown we advise that any works within the adjacent road allowance, as widened, must conform to the respective Streets By-laws.

The Traffic Department should comment on access design. It is unclear from the plans submitted what the square areas are within the road allowances adjacent to the proposed entrances. It would appear that they are bus shelters and if so, the applicant is to contact the Hamilton Street Railway to arrange the relocation of these bus stops if required.

The fences should be recessed from the street-lines. Grading of the accesses within the road allowance should not exceed 3%."

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS

1. The proposal complies with the intent of both the Official Plan and the approved Thorner Neighbourhood Plan.
2. The proposal to expand the established senior citizens apartment development has merit and can be supported for the following reasons:
 - it implements the Official Plan and approved Neighbourhood Plan;
 - because of the aging population, there is a growing demand for this type of accommodation;
 - it is ideally situated on the periphery of the Thorner Neighbourhood where more intense type development is encouraged to locate along the major arterial roadway system;
 - it is situated on a public transit route;
 - it is situated next to major shopping facilities, restaurants and convenience stores;
 - it is close to other amenities such as churches, a library, medical and dental offices;
 - it would be compatible with established development in this area.

- it would be compatible with established development in this area.
3. On the basis of a preliminary site plan submitted with the application, the following variances have been identified by the Building Department.
- Minimum Side Yard (Section 11B(3)(ii)(b))

A minimum side yard of 13.5 m is required whereas a minimum side yard of 3.0 m is proposed on the westerly side of the proposed building. The requested variance is considered to be minor in nature and can be supported as the side yards adjoin vacant lands of the church and the church parking area.
 - Required Loading Space (Section 18A TABLE 3.3.)

Two loading spaces are required for the 152 unit senior citizens' apartment development 1@ 3.7 m x 9.0 m x 4.3 m and 1@ 3.7 m x 18.0 m x 4.3 m. While two loading spaces are to be provided, one loading space has insufficient length (18.0 m) and insufficient manoeuvring area. The requested variance cannot be supported as the loading space could be accommodated with minor changes to the site plan.
 - Location of Loading Space (Section 18A(11)(a) & (12)(b) & (c))

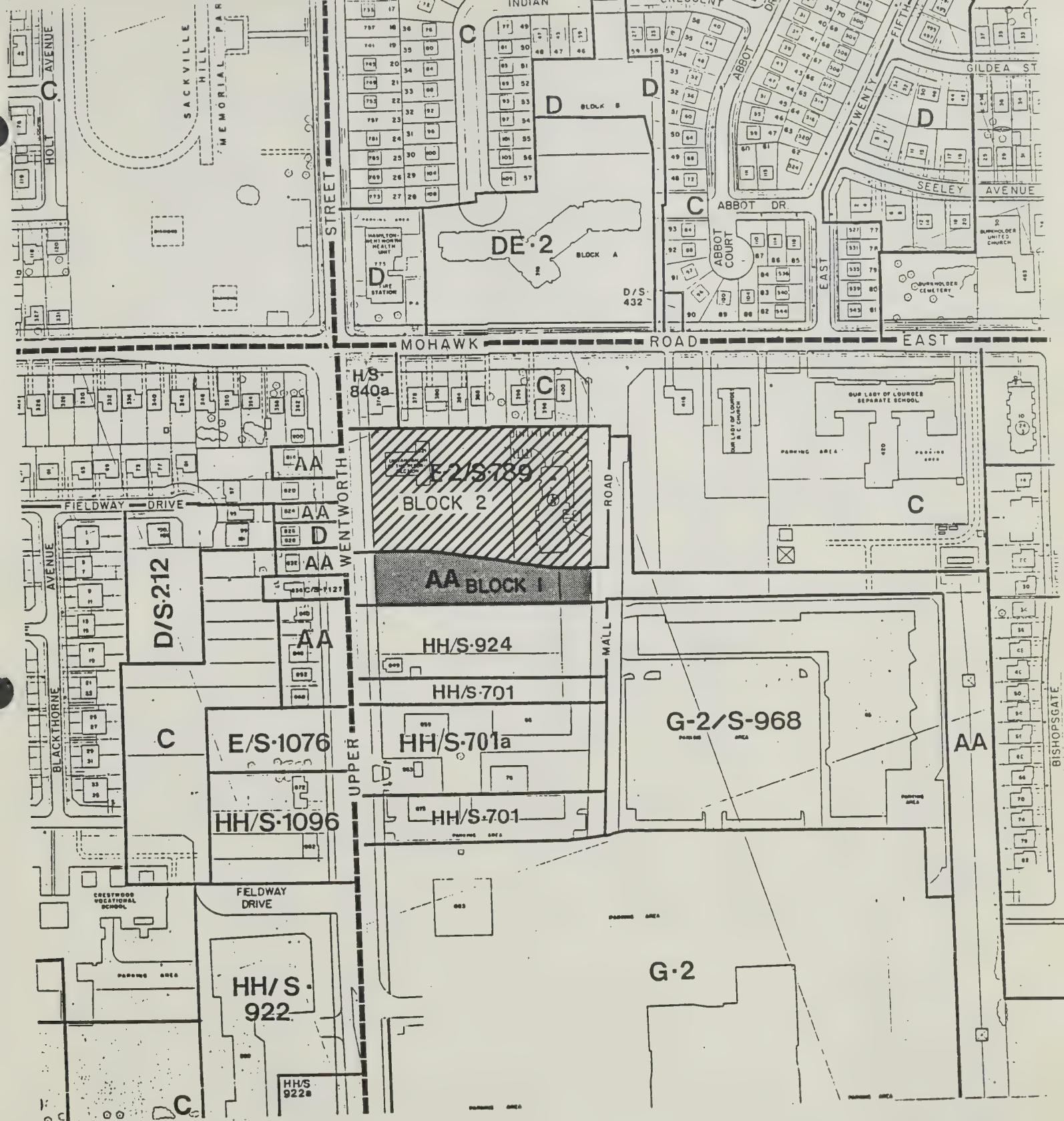
The Zoning By-law requires a 1.5 m wide landscaped strip and a 1.2 m high to 2.0 m high visual barrier be provided between the loading space and the adjoining residential district to the north. The submitted site plan does not provide for either the landscaped strip or the visual barrier next to the loading area. The requested variance can be supported as the loading space adjoins the landscaped area of the church property, and an existing chain link fence which is considered appropriate.
 - Location of Parking Spaces Section 18A(14)

The Zoning By-law prohibits required parking spaces in the required front yard in a residential district. In this case four parking spaces are situated within 7.5 m of the front property line adjacent to Upper Wentworth Street. Taking into consideration that the four parking spaces are in excess of the number of required parking spaces, that the lands to the north are vacant, and the lands to the south within an "HH" zone are screened by a visual barrier and have a 3.0 m landscaped strip adjacent to a driveway, the variance can be supported.
4. Under the "E-2" District regulations the lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as access, landscaping, grading, parking, loading, road widenings, etc., can be further reviewed at the site plan stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma
WPZA89126



LEGEND

BLOCK 1



CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT, MODIFIED.

BLOCK 2



FURTHER MODIFICATION TO THE "E-2" (MULTIPLE DWELLINGS) DISTRICT.



ZA 89-126

APPENDIX A

SITE AREA

GROSS FLOOR AREA - BUILDING
(NOT INCLUDING ENCLOSURES - BALCONIES OR LINKS)

GROSS FLOOR AREA LINK
(ON PHASE I VILLA MEV SITE)

BUILDING COVERAGES
PAVEMENTS

TOTAL

LANDSCAPED OPEN SPACE

BALCONIES (RECREATION SPACE)

BUILDING OFA/TOTAL SITE AREA = 5255.58/4373

PARKING

From Senior Citizens Housing Planning and Design guide
b.16 i.1.1. Parking and Driveways.

76 units at 27% = 20.53

80% overflow

Required Parking Spaces

Proposed Parking spaces

UNIT TYPE

UNIT COUNT

NET FLOOR AREA (m²)

AMENITY AREA (m²)

TYPE A - one bedroom

TYPE B - one bedroom - handicapped

TYPE C - two bedroom

TYPE D - two bedroom

TYPE E - two bedroom

TYPE F - two bedroom

Common Amenity Areas - Interior

Common Amenity Areas - Exterior

Totals

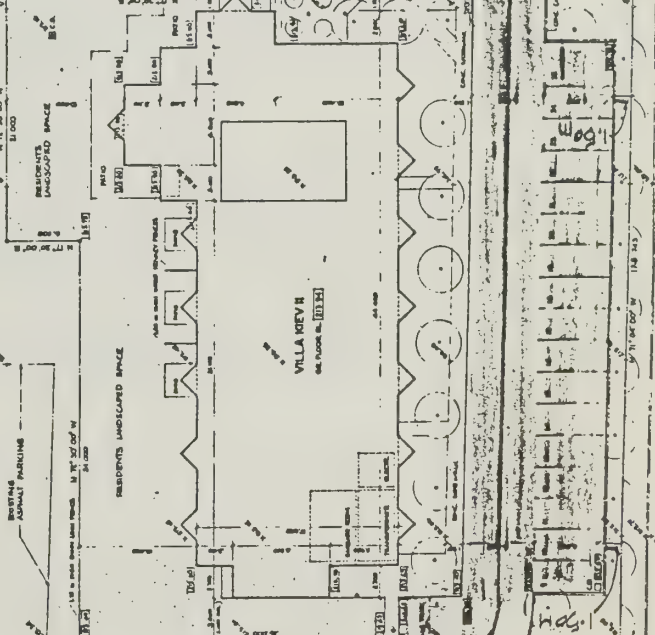
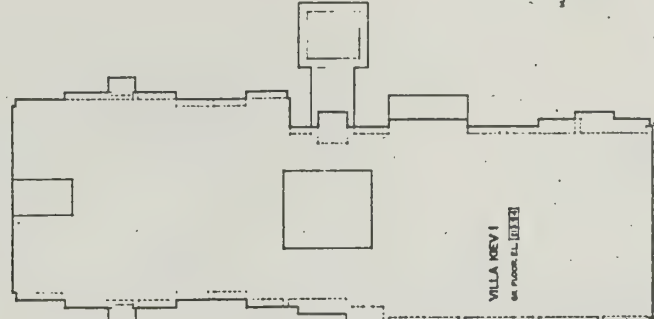
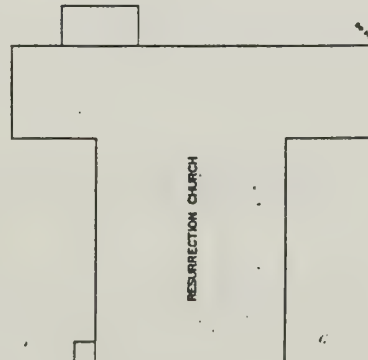
BUILDING CLASSIFICATION

GROUP C, UP TO SIX STOREYS

The building shall be of noncombustible construction, and floor assemblies shall be 1 hour fire separations, roof assemblies shall have 1 hour fire-resistance rating and all loadbearing walls, columns and arches shall have a fire resistance rating at least equivalent to that required for the supported assembly fire operations and closures shall be 1 hour and 24 hour fire rated respectively.

BUILDING GROSS FLOOR AREA PER SUITE AVERAGE

4905.80 m² / 76 suites = 64.6 m²/suite



20a.

395 Mohawk Road, East
Apartment 226
Hamilton, Ontario
27 March 1990

MAR 27 1990

Planning and Development Department
Hamilton City Hall

Attention: Secretary... S.K. Reeder

Dear Mr. Reeder:

RE: Planning Department File ZA-89-126 (16 March 1990)

Thank you for the notice of the Public Meeting of the
Planning and Development Committee scheduled on Wednesday 04 April.

Myself and others residing in this Senior Apartment (Mohawk
Gardens) are in full agreement with the extension to the existing
"Villa Kiev" Senior Apartments.

However, it would be helpful during this 04 April meeting
if you would detail your solutions to probable traffic congestion
situation at the intersection of Mall Road and Mohawk Road East.

Attached is a sketch of this intersection for your study..

1. For both the Medical Centre (under construction) and the
proposed extension to Villa Kiev.... is traffic to enter and
leave on both streets... Upper Wentworth and Mall Road ??
2. The traffic coming north on Mall Road, wanting to make a left
turn onto Mohawk Rd. going west.... must cross in front of the
traffic coming east on Mohawk Road.

To facilitate this left turn, there is a break in the concrete
island of approximately 40 feet.

There have been car accidents making this left turn, and wonder
with the increasing traffic from the medical centre and from
the senior apartments.... what suggestions have you to solve
this already problem site.

3. Also pedestrians walking from our Mohawk Gardens southward to
Mall Road will encounter additional difficulty both going south
and returning northerly to our apartments.

To use the crossing at Upper Wentworth and Mohawk Road East for
pedestrian crossing has proven dangerous, as cars often will not
wait for us, or do not see us, as they check car traffic coming
from the opposite direction. The stop light is of some use ...
but often it is safer to cross Mohawk Road to and island then
wait for the other direction traffic to clear before proceeding.

BEFORE
TURNING →

Thank you for your study of these probable traffic problems

Yours truly

Frances Dowler
Mr. F.A. Dowler

(N)

FIRE
STATION

MOHAWK GARDENS
SENIOR APARTMENT

(W)

ISLAND.

APPROX

← 40' →

ISLAND

(E)

MOHAWK RD. E

MOHAWK RD. E

UPPER WENTWORTH

COMMERCIAL — HOMES —

UKRAINIAN
CHURCH

EXISTING
VILLA KIEV

PROPOSED
VILLA KIEV

MALL

MEDICAL CENTRE

ROAD

BURGER KING
RESTAURANT

VACANT MANSE-
LOT

LIMERIDGE SHOPPING MALL

(S)

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 28, 1990

COMM. FILE:

DEPT. FILE: ZA-90-05
Central
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning and a further modification in zoning - land in the block bounded by Main Street West, Caroline Street South, George Street, and Hess Street South.

RECOMMENDATION

1. That approval be given to Zoning Application 90-05, Beckville Holdings Ltd., prospective owner, requesting a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a further modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3", to permit redevelopment of the lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West and 16 2-1/2 storey townhouse style commercial units fronting onto George Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That By-laws 77-76, 87-58, and 87-251 be repealed in their entirety;
 - ii) That Block "1" be rezoned from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District;
 - iii) That the "HI" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593, applicable to Blocks "4" and "5", as shown on APPENDIX "B", be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 15A(1) of Zoning By-law No. 6593, not more than 409 Class A dwelling units shall be permitted on the lands described as Block "5" on APPENDIX "B";
 - b) That notwithstanding Sections 15A(1)(ix), 15A(1)(xii), and 15A(1)(xv) of Zoning By-law No. 6593, the premises occupied by the uses shall not be prohibited from having access from or fronting on a street;

- c) That notwithstanding Section 15A(2)(ii) of Zoning By-law No. 6593, the height of any building on Block "5" shall not exceed twenty-three storeys and the height of any building on Block "4" shall not exceed three storeys;
 - d) That notwithstanding Section 15(A)(2)(ii) of Zoning By-law No. 6593, a side yard of not less than 1.0 m in width shall be provided and maintained along the east and west side lot lines and a side yard not less than 0.5 m in width shall be provided and maintained along the north side lot line;
 - e) That Section 15A(3)(ii) of Zoning By-law No. 6593 shall not apply;
 - f) That notwithstanding Section 15A(3)(d) of Zoning By-law No. 6593, a gross floor area of not more than 8.4 times the area of the lot shall be permitted;
 - g) That Section 4(3)(a) of Zoning By-law No. 6593 shall not apply;
 - h) That notwithstanding Section 18A(1) of Zoning By-law No. 6593 a minimum of 453 parking spaces shall be provided and maintained, and the required parking spaces and associated manoeuvring space may be provided partially in the Main Street West road allowance;
 - i) That notwithstanding Sections 18A(1)(c) and 18A(1)(d), a minimum of two loading spaces having dimensions of 18.0 m x 3.7 m x 4.3 m shall be provided and maintained;
 - j) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, not more than 205 of the required parking spaces located on Block "5" shall have a length of not less than 5.7 m;
 - k) That a minimum of 2,081 m² of landscaped area shall be provided and maintained, of which not less than 1,022 m² shall be provided and maintained at grade.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-4 be notated S- ;
 - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
 - vi) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

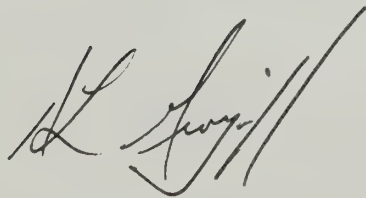
2. That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3", as shown on the attached key map.

The effect of the By-law is to permit redevelopment of the subject lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West, and 16 2-1/2 storey townhouse style commercial units fronting onto George Street. In addition, the By-law provides the following variances as special provisions:

- to permit a building with 23 storeys on Block "5" and a maximum building height of 3 storeys on Block "4" (see APPENDIX "B"), whereas 18 storeys are permitted;
- to permit side yards of 1.0 m along the east and west side lot lines and 0.5 m along the north lot line whereas 3.0 m is required;
- to eliminate the rear yard whereas a rear yard of 3.0 metres is required on George Street;
- to permit the buildings to have a maximum of 8.4 times lot coverage whereas 8.0 times coverage is permitted;
- to permit two large loading spaces whereas four loading spaces (three large and one small) are required;
- to require 453 parking spaces and to permit 205 of the required parking spaces to have a minimum length of 5.7 m whereas 6.0 m is required;
- to provide a landscaped area of 2,081 m² (22,400 square feet) on the lot, of which not less than 1,022 m² shall be provided at grade whereas no landscaping is currently required.



A.L. Georgleff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The applicant is proposing to build a mixed commercial and residential development on the subject lands. The commercial components will be provided in two buildings: the first will be on the ground floor of the proposed mixed use building fronting onto Main Street West and the second will be in the townhouse style buildings fronting onto George Street. The townhouse style buildings will have commercial uses throughout the building. The building fronting onto Main Street West will have commercial uses on the ground floor and residential uses (409 units) on the upper floors. This building will rise to a maximum height of 23 storeys in two towers. The area between the two towers of this building will be open and each tower will be terraced away from the open centre space. The terracing commences at the fourteenth floor of each tower and will be stepped back again at the nineteenth floor of each tower. The proposal also includes an interior street between the twin tower building and the townhouse style units which runs in an east-west direction between Hess Street South and Caroline Street South. The applicant is proposing to provide 421 parking spaces in an underground parking structure and 32 parking spaces at the rear of the townhouse style units fronting onto George Street (see APPENDICES "C" and "D").

o By-law No. 77-76

City Council passed By-law No. 77-76 at its meeting of March 29, 1977. This By-law modified the "E-3" (High Density Multiple Dwellings) District regulations, applicable to a portion of the subject lands, shown as Block "1" on APPENDIX "A", to permit a public parking lot.

o Zoning Application 86-75

At its meeting of January 14, 1987, the Planning and Development Committee approved this zoning application which requested a modification to the established "HI" (Civic Centre Protected) District regulations to permit a 240 unit condominium apartment building along with ground floor commercial uses for the lands shown as Block "2" on APPENDIX "A".

City Council, at its meeting of January 27, 1987, adopted the recommendation of the Planning and Development Committee.

By-law No. 87-58, which implements the foregoing, was passed by City Council on February 24, 1987.

o Zoning Application 87-77

At its meeting of August 12, 1987, the Planning and Development Committee approved this application for a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District and a modification to the "HI (Civic Centre Protected) District to permit the development of lands for a 96 room retirement home for property shown as Block "3" on APPENDIX "A".

City Council, at its meeting of September 1, 1987, adopted the recommendation of the Planning and Development Committee.

By-law No. 87-251, which implements the foregoing, was passed by City Council on September 1, 1987.

APPLICANT

Beckville Holdings Ltd., prospective owner.

LOT SIZE AND AREA

The subject property is irregular in shape and has:

- o 126.1 m (413.73 feet) of lot frontage on Main Street West;
- o 65.8 m (216.02 feet) of lot frontage on Caroline Street South; and,
- o 7,325.9 m² (78,858 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	parking area	"E-3" (High Density Multiple Dwellings) District modified and "HI" (Civic Centre Protected) District modified
<u>Surrounding Lands</u>		
to the north	mixed commercial and residential	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified and "E-3" (High Density Multiple Dwellings) District modified

to the south	22 storey apartment building and hotel	"H" (Community Shopping and Commercial, etc.) District modified and "HI" (Civic Centre Protected) District
to the west	converted commercial buildings	"HI" (Civic Centre Protected) District and "E-3" (High Density Multiple Dwellings) District modified
to the east	National Revenue Building	"HI" (Civic Centre Protected) District

OFFICIAL PLAN

The lands are designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept, and identified as "Special Policy Area 3" on Schedule "B". The following policies, among others, are applicable:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary permitted uses in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in subsection A.2.2 of this Plan;
 - ii) Residential Uses of various types, including, but not limited to, single-family detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;
- 2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider

choice in housing opportunities for all residents of the City, and to increase the resident population;"

The proposal will implement the above-noted policies and, therefore, complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL AND APARTMENTS" on the approved Central Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Hamilton-Wentworth Regional Police Department.

- o The Traffic Department has advised that:

"In response to your letter of 1990 January 11, please be advised that we have reviewed the above-noted application and have the following comments.

1. The submitted plans show the typical parking space to be only 5.7 m long. The Zoning By-law states that every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7m wide and 6.0m long.
2. Visitor parking should be designated and signed as such.
3. We recommend that the width of the driveway to George Street be widened to 6.0m.
4. The ramps in the north-east corners of Parking Levels 1 and 2 are unsatisfactory. They have a wall jutting out into the vehicular pathway and there is a wall in the middle of the ramp which, combined, will make vehicular manoeuvring difficult.
5. There is a large number of columns situated at the ends of parking spaces which makes backing in or out of these spaces difficult. We suggest setting these columns back further into the parking space.
6. Unless there is a reason for the position and length of the lay-by on Main Street, we would prefer that the lay-by be extended easterly to service more of the building.

7. The lay-by on Main Street will be signed as a "No Parking" area to allow for loading and unloading activities by the tenants and the retail outlets. On that basis, the applicant may wish to consider the provision of some parking for the retail outlets, both for employees and customers. Otherwise, customers using the lay-by may conflict with the loading and unloading activities.
8. Two 3.7m x 18.0m loading spaces are required. We suggested that one of these spaces could be located abutting the north side of the south building as shown on the attached plan. However, in order for this to work, the island extending from the low rise building along the north side of the project would have to be removed. This would still leave the project one loading space short."

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and storm and sanitary sewers are available to service the subject development.

We recommend that:

1. Sufficient lands be dedicated to the City of Hamilton for the road allowance widening of Caroline Street. This widening varies from 2.822 m to 2.725 m.
2. A strip of land 1.588 m be dedicated to the City of Hamilton for the road allowance widening of George Street.
3. A strip of land, variable in width, along the entire frontage of Main Street West, as shown on Survey Plan P753(A), be dedicated to the Region for road widening purposes.

These road widening dedications to the City/Region are required as a condition of development approval. In addition to previous road widenings, the applicant/owner has also made application to construct a lay-by on the north side of Main Street West between Hess Street and Caroline Street. We have no objection to the construction of this lay-by. Since this lay-by will be constructed in an area normally occupied by municipal sidewalk, we require that the applicant also dedicate to the Region sufficient lands for road allowance widening to contain a minimum 2.134 m municipal sidewalk on the north side of the proposed lay-by. The construction of a parking garage under this additional widening plus the lay-by itself requires an encroachment agreement with the Region of Hamilton-Wentworth. The extent of this lay-by construction is presently being determined by the applicant.

We also recommend that these lands be developed through site plan control and we will be recommending at the site plan stage that the applicant/owner provide a 2.13 m wide paving stone land area north of the municipal sidewalk (road allowance, as widened) on Main Street. The applicant is aware of this recommendation and will try to redefine the building elevations as much as possible, to reduce the grade changes between the municipal sidewalk and private property and the requirement of steps and railing.

We also note on the elevation plan submitted that there are stone retaining walls adjacent to Caroline Street and within the George Street road allowance and we recommend that through this development the requirement of retaining walls in the road allowance be eliminated. Subject to the above, all other works within the road allowance, as widened, must conform to the respective Streets By-laws.

There are a number of issues relating to elevation detail, grades of the development and its relationship to the adjacent road allowances, landscaping, etc. which will have to be resolved under site plan control. All agreements relating to the parking garage encroachment into the road allowance must be finalized prior to the commencement of construction. The applicant should contact our Engineering staff to ensure that all servicing connections to Main Street West etc. are completed prior to the resurfacing etc. of Main Street, Hess Street, and Caroline Street."

o The Building Department has advised that:

- "1. Parking space must be 6.0 m long, shown is 5.7 m.
2. All parking spaces must be 2.7 m wide between columns.
3. Side yards required are 3.0 m, shown is 1.0 m.
4. A rear yard of 3.0 m is required off George Street, none is shown.
5. A 3.0 m side yard is required on the west lot line adjacent to the existing apartment building.
6. Maximum height allowed is 18 storeys. The plans indicate 23 storeys.
7. Required loading is 3 large and 1 small space (apartment: 1 small, 1 large, commercial: 2 large). None is shown.
8. The proposed G.F.A. exceeds the permitted which is $8 \times 78858 = 630,864$ sq.ft.
9. A multiple dwelling is not permitted unless built in conjunction with a hotel.
10. Commercial uses permitted in clauses 15A(1)(ix), and (xii) and (xv) are permitted access only from within an office building or hotel. Also clause (xii) does not permit frontage on a street for lunch counters or refreshment stand."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Central Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) the proposal will provide a substantial number of new residential dwelling units in the central area of the City of Hamilton, where residential development is encouraged. These new units will be in close proximity to the downtown area and support services, including shopping, cultural facilities, health facilities, and other public buildings;
 - ii) the proposed development will include all of the undeveloped lands on this block and will be a comprehensive redevelopment of the lands as one project. This is more desirable than a piecemeal development of the lands by separate developers; and
 - iii) the lands are located on a major arterial road (Main Street West) that has both public and private transit access. Additional access will also be provided to George, Hess and Caroline Street; and,
 - iv) the townhouse style commercial development along George Street will provide a vital link between Hess Village and the Central Area.
4. On the basis of a preliminary site plan submitted, the following variances have been identified by the Building Department.

o Floor Area Ratio

The "HI" (Civic Centre Protected) District regulations permit a maximum floor area ratio of eight times lot coverage for commercial development. The proposed development would have 8.32 times lot coverage after land dedication for road widening purposes. The increase in floor area is minor in nature.

A substantial portion of this development is for residential use. Although the practise of transferring commercial density to residential is not condoned, it can be supported in this instance because the proposal is a comprehensive redevelopment which reinforces the streetscape, provides new housing opportunities in the central area of the city, and promotes Hess Village. In addition, under the present zoning a maximum of 240 units could be built on Block "2", 96 units on Block "3", and high density apartments on Block "1". The requested density is consistent with that already approved on the site.

o Building Height

The "HI" District regulations permit a maximum building height of eighteen storeys or 60 metres (with the provision of adequate side yards). For the proposed development, the twin tower building would have a maximum height of twenty-three storeys, including a mezzanine level. The variance can be supported for the following reasons:

- a) The building to the immediate south of the subject lands is twenty-two storeys in height;
- b) The proposed twin tower structure is open in the centre and stepped from the fourteenth floor up to the twenty-second floor to reduce the visual impact of the mass of the building. In addition, the open concept in the centre allows sunlight to pass to George Street rather than overshadowing it; and,
- c) The twin tower structure is located on the southern portion of the subject lands and reinforces the Main Street streetscape. The George Street frontage will be two and one-half storey townhouse style commercial buildings that are in keeping with the style and massing of buildings already present on the north side of George Street.

o Parking

Section 18A(1) of the Zoning By-law requires all parking to be provided and maintained on the same lot on which the building or structure is erected. The applicant is required to dedicate land on Main Street West to the Regional Municipality of Hamilton-Wentworth for road widening purposes. Because of this land dedication and the lay-by provided on Main Street West (at the request of the Traffic Department), the underground parking structure will encroach into the Main Street West Road allowance. Discussions have taken place between staff and the applicant to resolve this issue and no acceptable solution could be found while still maintaining the required number of parking spaces. Since the lay-by and the land dedication are at the request of the City and the Region, the variance can be supported. It should be noted that the applicant will have to enter into an encroachment agreement with the Regional Municipality of Hamilton-Wentworth for the parking structure encroaching in the road allowance.

The preliminary site plan shows the parking spaces in the underground parking structure to be 5.7 m in length. After discussions with the applicant, the parking layout was designed so that 216 of the 421 underground parking spaces will be 6.0 m in length. The remaining 205 spaces will be 5.7 m in length (minimum). The available land on the site is constrained by the requirements of the City and the Region for road widenings. Therefore, a variance to reduce the required length of these 205 spaces to 5.7 m can be supported.

The applicant is required, under the Zoning By-law, to provide eighty percent parking for residential purposes (328 resident spaces and 66 visitor parking spaces for the twin towers). No parking spaces are required for the commercial properties as the subject lands are in the central area. The proposal provides 47 additional parking spaces beyond that required in the Zoning By-law in that 421 parking spaces will be provided for the twin tower building and 32 parking spaces for the townhouse style commercial

component of the development. Accordingly, it would be appropriate to make the proposed parking a requirement of the amending By-law.

As stated earlier, 66 visitor parking spaces are required for the multiple dwelling on Block "5". The Building Department has advised that proper access to these spaces must be provided and maintained. This issue will be addressed through site plan control.

o Landscaped Area

The "HI" District does not require any landscaped area. The preliminary site plan submitted shows 1,022 m² of landscaped area at grade and 1,059 m² of landscaped area above grade for a total of approximately 2,890 m² of landscaping. In addition, the proposal includes a 325 m² pool/greenhouse between the two towers. As this is a block development proposal with a substantial residential component, it would be appropriate to require the applicant to provide the landscaped area under the amending By-law.

o Rear Yard

The "HI" District regulations require a rear yard of 3.0 metres. For this development, the rear yard provisions would require the setback to be accommodated from the widened limits of George Street. The existing buildings on the north side of George Street are not setback from the street and it would be appropriate for the proposed buildings for the south side of George Street to have no setback. This would maintain the continuity of the existing streetscape. Therefore, the variance can be supported.

o Side Yards

The required side yards are 3.0 m under the "HI" District regulations. The proposed development will provide 1.0 m side yards on the east and west lot lines and a varying width (between 0.5 m and 0.7 m) on the north side yard. The east and west side yards (along Caroline Street South and Hess Street South) are reduced to 1.0 m after road widenings are taken and, thus, a variance can be supported. There is also a side yard required along the west side yard adjacent to the existing apartment building. The plans show a 1.0 m side yard whereas 3.0 m is required. This is a technical requirement of the Zoning By-law due to the 23 storey height of the twin tower building. As the building that will adjoin the existing apartment building will be 2-1/2 storeys in height, a variance to reduce this side yard to 1.0 m can be supported. In this regard, no side yard is required for a building under 4 storeys in height under the "HI" District regulations. The north side yard adjoins an existing building. There is a 6.0 m wide access driveway on the subject lands abutting this side yard. The combination of the driveway and the side yard is sufficient separation distance between the existing building and the proposed structure. Therefore, the variance for the north side yard can be supported.

o Loading Spaces

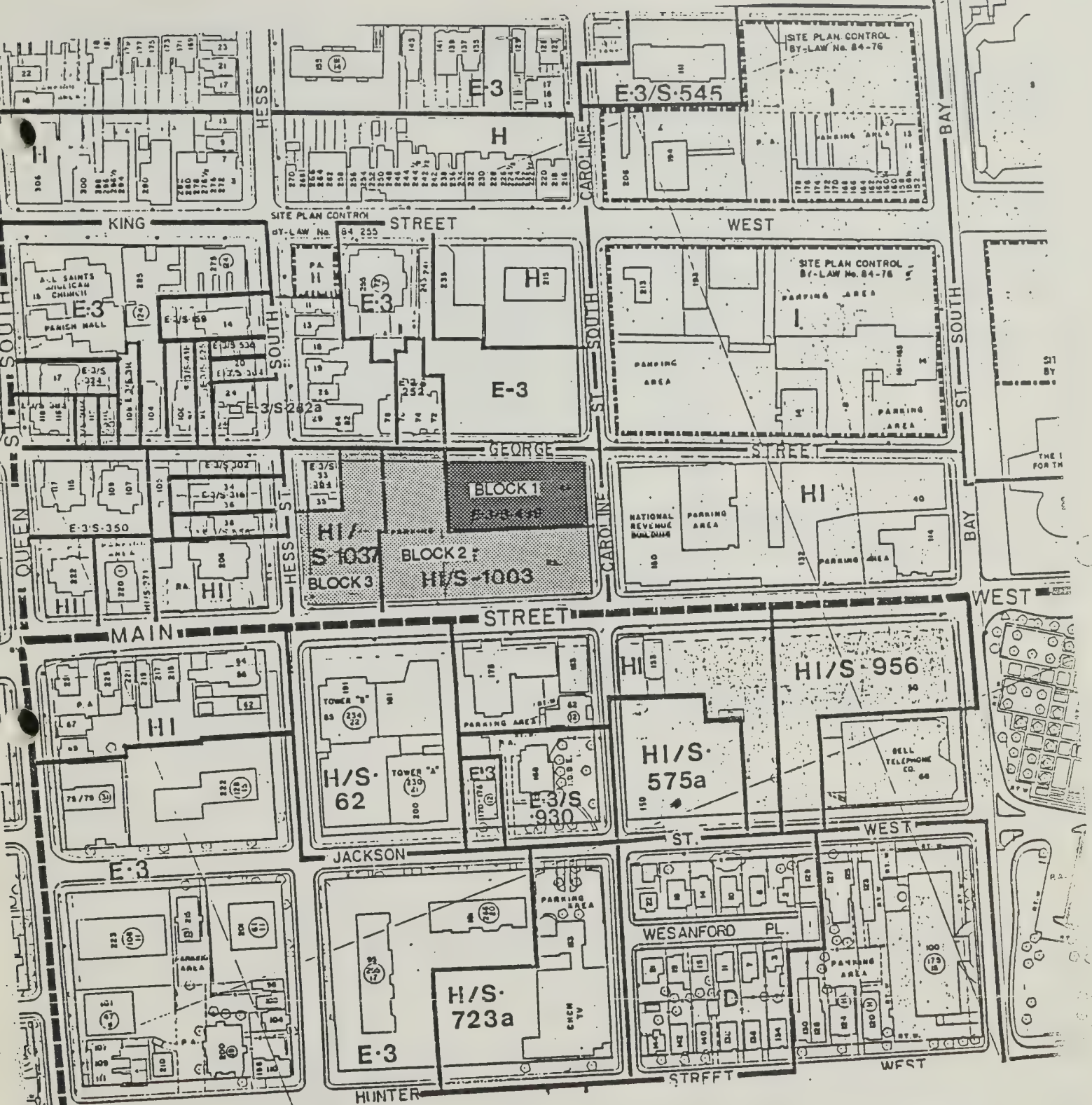
The proposal will require four loading spaces (two for commercial purposes and two for residential purposes). The applicant has advised that two large loading spaces will be provided for the proposed development. A variance to reduce the number of loading spaces can be supported as the proposed two loading spaces, according to the Traffic Department, will suffice.

5. The requested "HI" (Civic Centre Protected) District would be subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In order to ensure that the special requirements are provided and maintained to the satisfaction of the City and that the urban design guidelines are followed, it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee. Should any further variances be identified at the site plan stage, these could be incorporated into the amending By-law.

CONCLUSION

Based on the foregoing, the application can be supported.

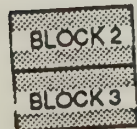
MLT/ma
WPZA9005



Legend



Change in zoning from "E-3" (High Density Multiple Dwellings) District, modified to "HI" (Civic Centre Protected Districts) District, modified.



Further modification to the "HI" (Civic Centre Protected Districts) District.

BLOCK 3

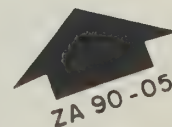
LEGEND

BLOCK 4



MODIFICATION TO THE "HI" (CIVIC CENTRE
PROTECTED DISTRICTS) DISTRICT.

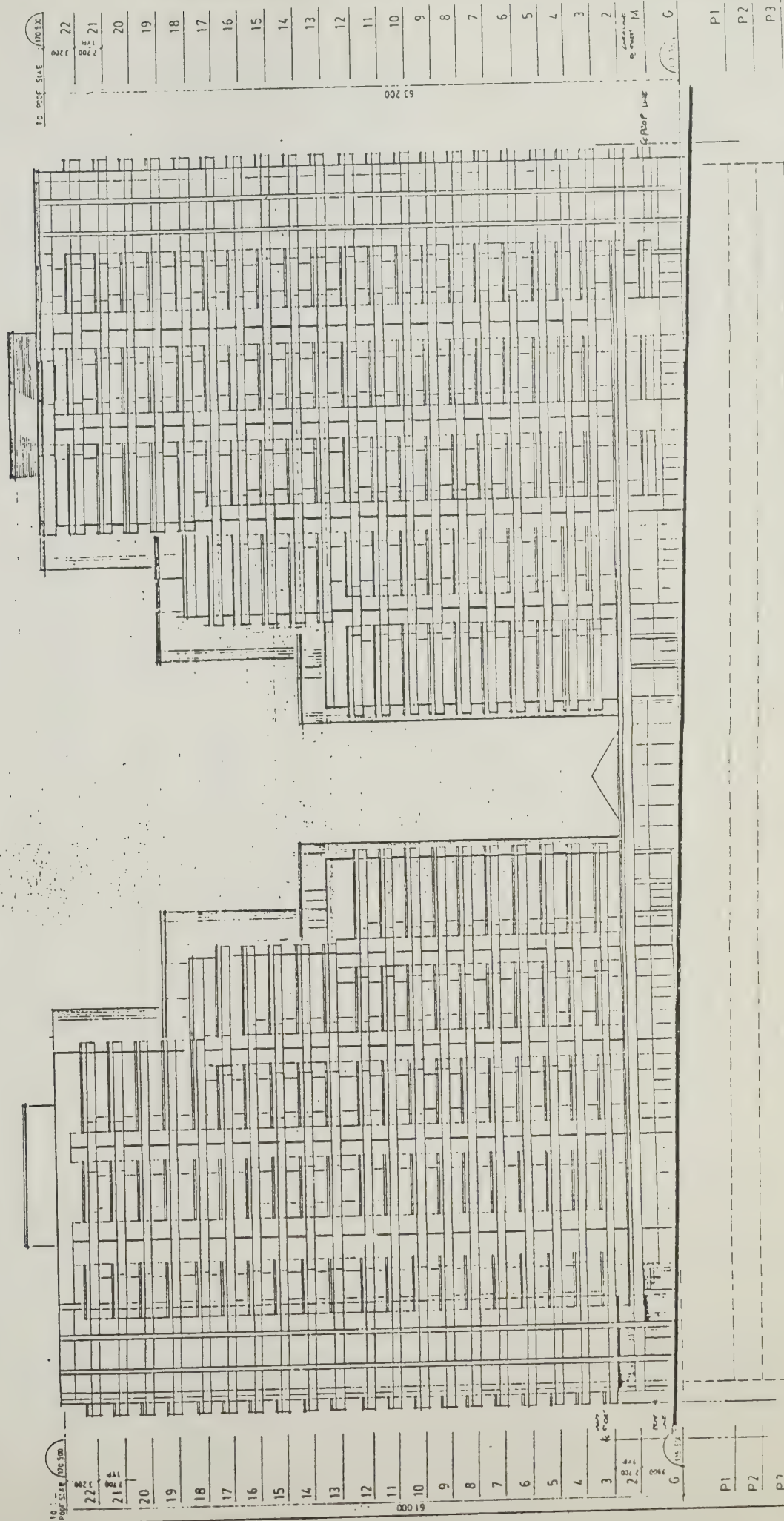
BLOCK 5



ZA 90-05

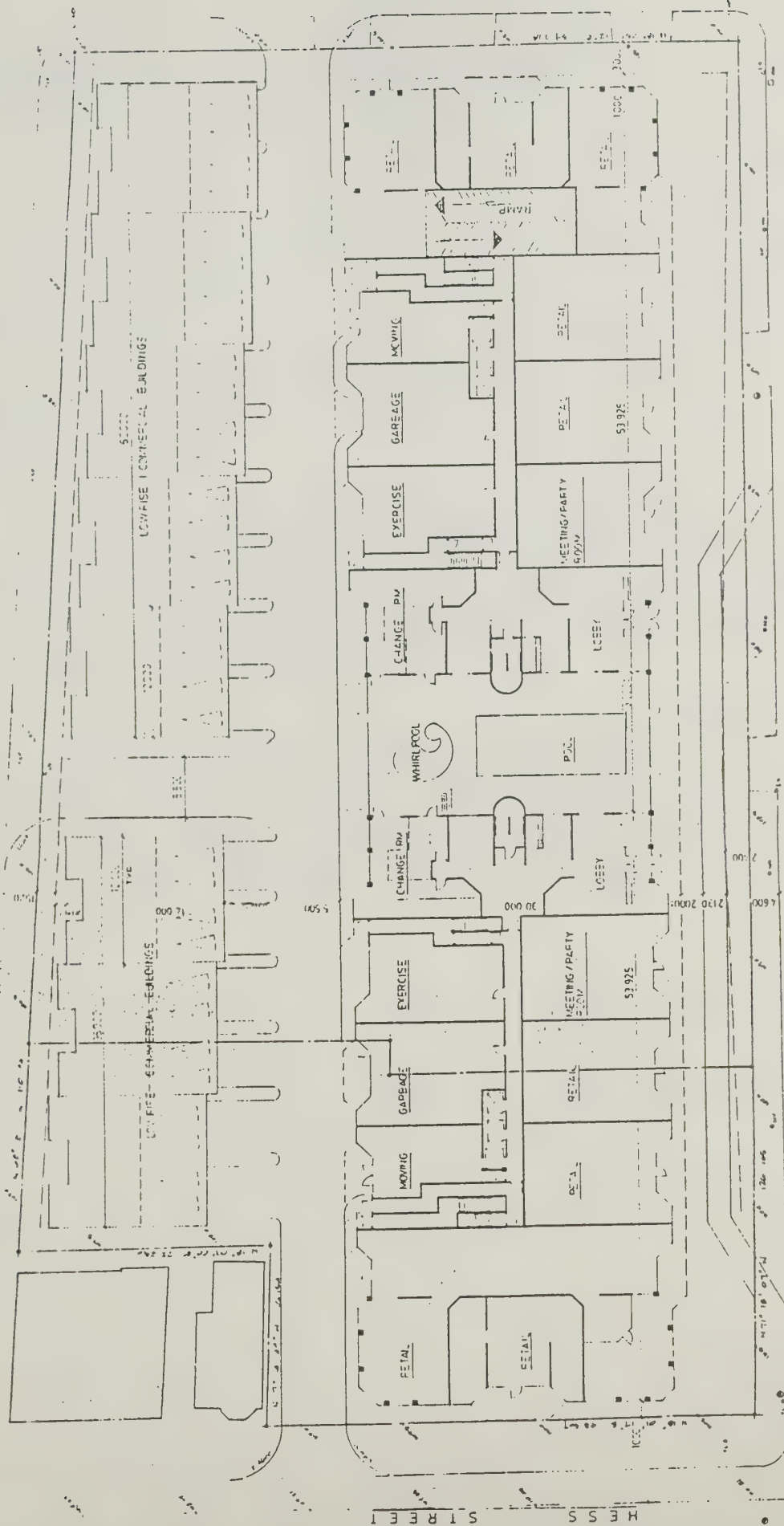
APPENDIX "B"

APPENDIX C



SOUTH ELEVATION (View from Main St. W.)

GEORGE STREET



MAIN STREET WEST



32 Hess Street South
Hamilton, Ontario L8P 3N1
528-9505



21a
416-1 Pearl Street
Village Square
Burlington, Ontario L7R 2N1
681-1347

Re: File #ZA-90-05

March 22, 1990

MAR 23 1990

Planning and Development committee
City Hall
Hamilton, Ontario

I believe this will enhance the business for local merchants in Hess Village. Although developement of this property looks promising I am very concerned with parking!

As you are aware parking is at an all time low in this area. I realize that a commitment of parking spaces will be provided, but I feel this is not enough.

Putting the onus on the developer is really not fair, but if the city were to make some comissions so that the developer could put in 50% more parking for the merchants of Hess Village and surrounding areas, this would certainly enhance the viability of Hess Village and bring it back into prominence where it once was. I believe the benifits far outway the cost especially in the long term for this strategic part of the city.

Yours truly,

A handwritten signature in dark ink, appearing to read 'D.E. McCoy', with a long, sweeping horizontal line extending to the right.

D.E. McCoy
President

PROPOSED CHANGE - BLOCK 1-CHANGE IN ZONING FROM E-3 TO HI(MODIFIED)

BLOCKS 2 & 3-FURTHER MODIFICATION TO THE HI DISTRICT

PROPERTY DESCRIPTION - BLOCK BOUNDED BY MAIN ST W, CAROLINE ST S, GEORGE ST

I AM IN FAVOUR OF (✓) AND HESS ST S

OPPOSED TO () (PLEASE CHECK (V) WHICH)

MAR 26 1990

THIS PROPOSED CHANGE

.....SIGNED

.....

OR OCCUPANT

MCCOY PAMELA

MCCOY DANIEL

COLOURS

32 HESS ST S

HAMILTON ONT

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

L8P 3N1

.....

FILE-ZA90-05

SEQ-00145

FOR ACTION

220

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: MARCH 27, 1990
COMM.FILE:
DEPT.FILE: P5-2-33
Crerar Neighbourhood

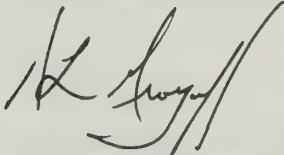
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Neighbourhood Plan Review, north west part of Crerar Neighbourhood

RECOMMENDATIONS

That the neighbourhood plan changes shown on Map 1 be adopted by Council.



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

The park and recreational area over and above the 5% park land dedication (estimated to be), could be paid for from the 5% Parkland Fund, Account No. CH 5X306 00201 (Reserve for Parklands).

BACKGROUND

On March 27, 1979, the Crerar Neighbourhood Plan was adopted by City Council.

On September 25, 1989, Mr. Wasserman submitted a Zoning Application for lands on the east side of Upper Wellington Street and the south of the proposed Mountain Freeway. On September 27, 1989, he submitted a Draft Plan of Subdivision.

The proposed Zoning and Draft Plan of Subdivision do not conform with certain aspects of the Crerar Neighbourhood Plan. Also, proposed changes impact a wider area than the Wasserman Lands. A neighbourhood plan review (see Map 1) was undertaken involving the property owners affected.

PROPOSED CHANGES

Red-D-Mix Site (See Map 1)

On August 30, 1989 Mr. Logan, on behalf of Red-D-Mix, submitted a Zoning Application for their Upper Wellington Street Site. The proposed change is from "JJ" (Restricted Light Industrial) to "E-2" (Multiple Dwellings District) to allow apartments. The proposal does not conform to the Crerar Neighbourhood Plan which designates the land for "Attached Housing", "Park and Recreational" and "Single and Double Housing".

However, a low density apartment development would not be out of character with the adjacent proposed developments. Therefore, it is proposed that the land use designation be changed to "Low Density Apartments" (see Map 2).

Bethel Gospel Site (See Map 1)

Bethel Gospel Church has assembled nearly all the properties in the area of the further review. Only 1321 and 1321 Upper Wellington Street and a small piece of city land remain to be purchased.

The church is planning to build some accommodation for the elderly which would result in a change in the plan from "Single and Double Housing". This may remove the access road from the interior of the neighbourhood. It would be desirable to keep the access road to allow a second entry to the neighbourhood from Upper Wellington. However, a road through the proposed woodland would be less desirable than losing the second access. The city owned parkland in the study area will no longer be needed if the parkland is consolidated to the north. It would be appropriate to deal with the change in neighbourhood plan for this site at a later date with exception of the city lands which should be re-designated from "Park and Recreation" to "Single and Double" (see Area 5, Map 2).

Di Cenzo Site

The Di Cenzo lands can be developed satisfactorily without the road extension to the north through the woodland.

Wasserman Site

A parkland designation of approximately 4.25 acres is proposed. Approximately 2.37 acres would be part of the 5% park dedication of the lands within the proposed development and holdings further to the south which are not yet serviced. The parkland designation would provide an attractive wooded area as a feature of the neighbourhood. Rock outcrops both add to the attraction of the area and make it difficult to develop for residential purposes. Funds for purchasing the balance of the lands are available in the 5% Parks Fund.

Overall approximately 4.71 acres for townhouses is proposed, approximately 1.25 acres more than in the neighbourhood plan for the Wasserman site.

The proposal by the applicant for apartments on the western part of the woodlot is not appropriate, partly because of the desirability of keeping the treed area and partly because higher densities should be on the edge of the neighbourhood. However if this land is developed for residential purposes, townhouses should be the highest density permitted.

The new park designation gives a total neighbourhood park allocation of approximately 7.62 acres of which 4.28 is a woodlot and 3.34 acres for active park and recreational, for the Crerar Neighbourhood which would eventually accommodate approximately 4000 persons.

Density

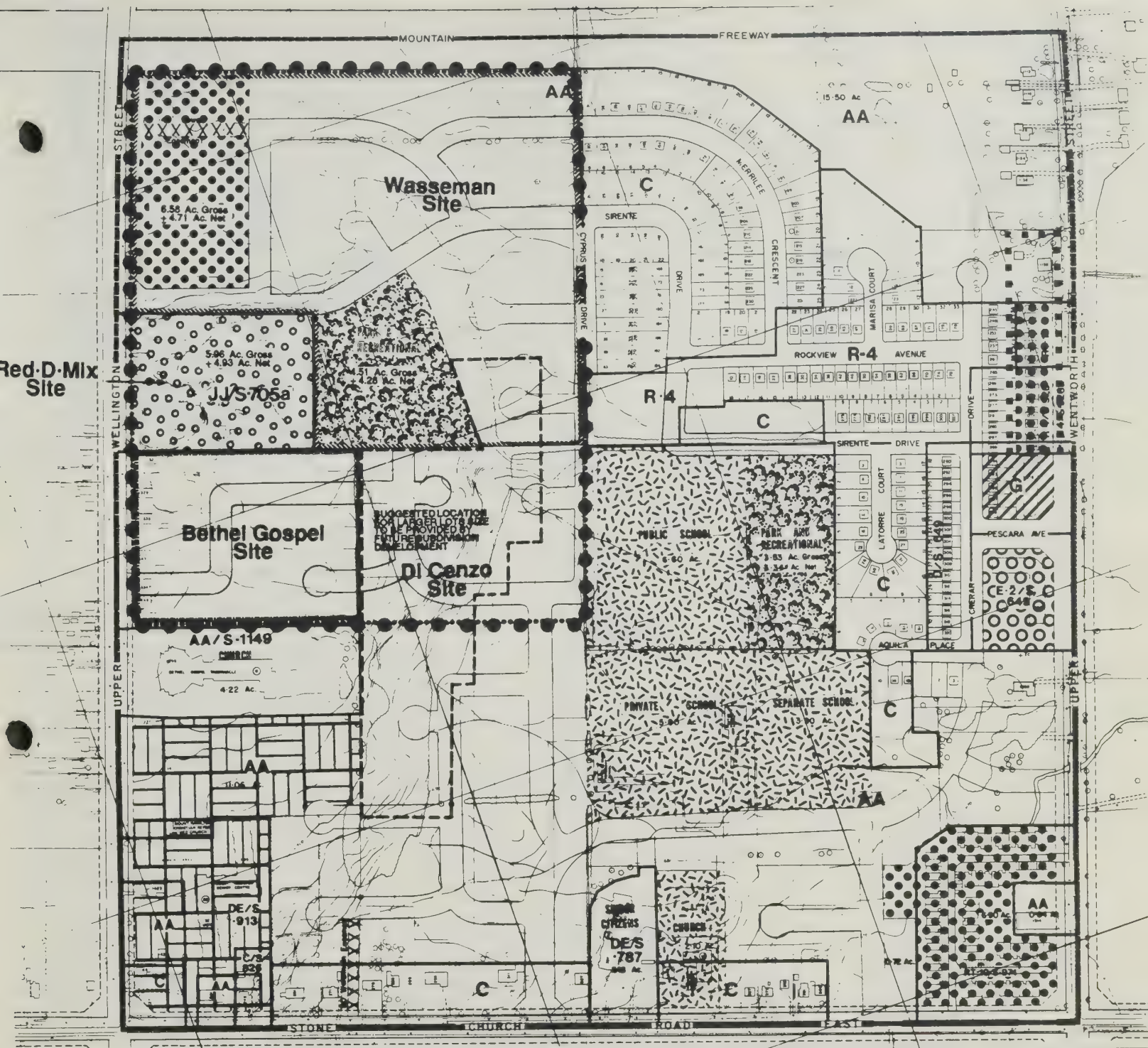
The current neighbourhood plan would result in gross residential density of about 28 persons per acre. The proposed neighbourhood plan would result in a gross residential density of about 30. This is well within the Official Plan limit of 35 persons per acre.

CONCLUSION

The neighbourhood plan should be amended in accordance with Map 1.

DG/bs

A:\CRERAR.EAS



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND

- ■ ■ Sewer Services From Interior Systems Because that Section of Upper Wentworth Will Not be Served.
- Area of Future Review
- ● Area of Study
- Area of Proposed Subdivision

LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- INSTITUTIONAL & SPECIAL HOUSING

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee MAR. 14, 1979 Council MAR. 27, 1979

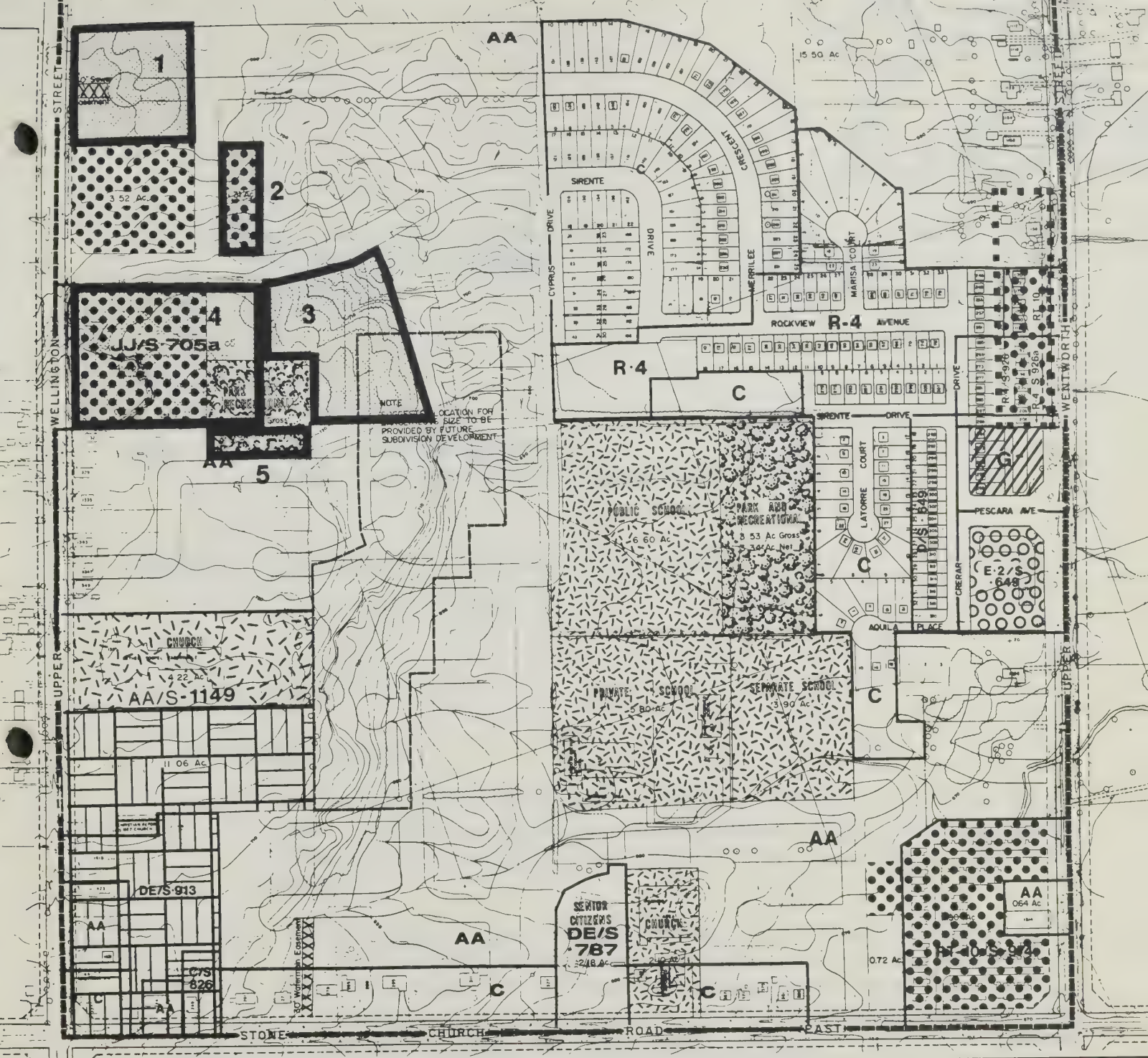
Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

CRERAR

APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LAND USE CHANGES FROM:

- 1 Single & Double to Attached Housing
- 2 Attached Housing to Single & Double
- 3 Single & Double to Park & Recreational
- 4 Attached Housing, Single & Double, Park & Recreational to Low Density Apartments
- 5 Park & Recreational to Single & Double

MAP 2

EXISTING POPULATION (1988) 528

LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- INSTITUTIONAL & SPECIAL HOUSING

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee MAR. 14, 1979 Council MAR. 27, 1979

Latest Revision Date Nov. 28, 1989

CITY OF HAMILTON
PLANNING DEPARTMENT

CRERAR

APPROVED PLAN



FOR ACTION

22b.

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 26, 1990
COMM FILE:
DEPT FILE: SA-89-19
ZA-89-98
ZA-89-131
ZA-89-132
25T-89032

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Proposed Draft Plan of Subdivision "Rose Gardens"

Proposed Rezoning Applications

RECOMMENDATIONS:

1. Subdivision Application

- a) That approval be given to Application SA-89-19, M. Wasserman, B. Wasserman and Estate of S. Wasserman, owners, to establish a draft plan of subdivision, located south of the future Mountain Freeway and east of Upper Wellington Street, subject to the following conditions:
1. That approval apply to the plan prepared by A. J. Clarke, dated September 20, 1989, revised on March 23, 1989 and further revised to show 137 lots, 3 blocks (Blocks "138", "139" and "140") for attached housing, 2 blocks (Blocks "145" and "146") as a road widening, 1 block (Block "144") for a grade separation, 2 blocks (Blocks "147" and "148") as a 0.3m reserve and 1 block (Block "141") for development with adjacent lands.
 2. That the streets be dedicated to the City of Hamilton as public highways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton.
 4. That the final plan conform to the zoning by-law approved under The Planning Act.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

6. That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
7. That the owners convey 5% of the lands included in the plan for park purposes in the area of Blocks "142" and "143".
8. That the open side of the road allowance be terminated with a 0.3m reserve (Blocks "147" and "148") to be conveyed to the City of Hamilton and be held by the City until required for development of the adjacent lands.
9. That Block "141" be developed only in conjunction with adjacent lands.
10. That the owners comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on October 9, 1973, and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway on Block "138" and Lots 60 to 83 inclusive for the purpose of constructing a landscaped noise barrier.
11. That the owners agree to provide appropriate access to Lots 82, 83 and 137 to the satisfaction of the City of Hamilton.
12. That a twelve (12) metre by twelve (12) metre daylight triangle is to be established from the widened limits at the intersection of Upper Wellington Street and Sirente Drive.
13. That the centreline radius of all streets with curves are to have a minimum of 110 metre radii, except for the centreline radius of Sirente Drive between the north-south leg of Crescent "A" and Court "B". The centreline at this point is to be established at a 250 metre radius in order to provide proper sight distances at Crescent "A".
14. That Marlene Drive (now known as Cyprus Drive), is to be established at its full width in conjunction with the registration of the Final Plan.
15. That a two (2) metre by two (2) metre daylight triangle is to be established on the corner of Lot 84.
16. That the owners shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
17. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owners to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-19), M. Wasserman, B. Wasserman and Estate of S. Wasserman, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- c) That the changes to the Crerar Neighbourhood, as shown on the recommended plan for this subdivision be approved by the Council of the City of Hamilton.

2. Rezoning Application (ZA-89-98)

That approval be given to Zoning Application 89-98, Marvin Wasserman, Bernard Wasserman and the Estate of Solomon Wasserman, owners, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), to permit the development of the subject lands for a park (Block "1"), single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, as shown on the attached map marked as APPENDIX "B", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- iii) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18B and E-18C for presentation to City Council;
- v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, as shown on Appendix "B", attached.

The effect of this by-law is to retain Block "1" for open space purposes and to permit the development of the remaining lands for single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3").

3. Rezoning Application (ZA-89-131)

- a) That Zoning Application 89-131, Marvin Wasserman, Bernard Wasserman and the Estate of Solomon Wasserman, owners, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for an apartment building having a maximum height of eight (8) storeys, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6" on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
 - i) The proposed amendments to the Crerar Neighbourhood Plan designate the lands for "Park and Recreational". It is intended that this site, as well as the site to the east (i.e. Block "1") be retained as a woodlot, since it is a unique natural feature.
 - ii) It is an inappropriate land use given its location within the interior of the neighbourhood. Higher density uses should be more appropriately located on the periphery of the neighbourhood (Upper Wellington Street).
- b) That approval be given to an amended Zoning Application 89-131, Marvin Wasserman, Bernard Wasserman and the Estate of Solomon Wasserman, owners, requesting a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6") to permit the retention of the subject lands for open space (wood lot purposes in conjunction with the lands to the east, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6" on the attached map marked as APPENDIX "B", on the following basis:
 - i) That Block "6" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6" on Appendix "B", attached.

The effect of this by-law is to retain Block "6" for open space purposes (woodlot) in conjunction with the lands to the east.

4. Rezoning Application (ZA-89-132)

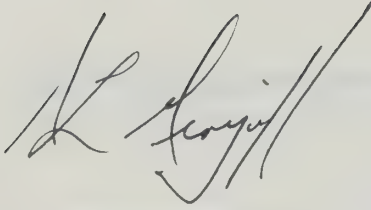
That approval be given to an amended Zoning Application 89-132, Marvin Wasserman, Bernard Wasserman and the Estate of Solomon Wasserman, owners, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), to permit the development of the subject lands for townhouses, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Blocks "4" and "5" on the attached map marked as APPENDIX "B", on the following basis:

- i) That Block "4" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- ii) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;
- iii) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "4", be modified to include the following variance as a special requirement:
 - a) That Section 10E(2)(a)3. shall be prohibited.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that Block "4" on Zoning District Map E-18B be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, as shown on Appendix "B", attached.

The effect of this by-law is to permit the development of the subject lands for townhouses (Block "4") and street townhouses (Block "5").



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner:

M. Wasserman, B. Wasserman and Estate of S. Wasserman, Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location:

The lands, comprising 12.02 ha, are located south of the future Mountain Freeway and east of Upper Wellington Street in the Crerar Neighbourhood, City of Hamilton.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Proposed Mountain Freeway, Townhouse	"AA" (Agricultural) District
		"R-4" (Small Lot Single-Family Detached) District

to the south	vacant	"AA" (Agricultural) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
		"R-4" (Small Lot Single Family Detached) District
to the west	concrete plant	"JJ" (Restricted Light Industrial) District

Subdivision Proposal

The owners propose to subdivide the lands into 119 lots for single-family dwellings, 18 lots for freehold Townhouses, 3 blocks (Blocks "138", "139" and "140") for attached housing, one block (Block "142") for medium density apartments, 1 Block (Block "143") for Public Open Space, 1 block (Block "141") for development with adjacent lands and 3 blocks (Blocks "144", "145" and "146") for road widening and lands for a grade separation.

Rezoning Proposal

The owners have requested that the property be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District, "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single-family Detached) District, "RT-20" (Townhouse-Maisonette) District, "RT-30" (Street-Townhouse) District and "E-2" (Multiple Dwellings) District in three rezoning applications, ZA-89-98, ZA-89-131 and ZA-89-132.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential" and "Open Space". The proposal does not conflict with the intent of the Official Plan.

Neighbourhood Plan - the proposal as revised and shown on the recommended plan, if approved by Council, would comply with the Neighbourhood Plan.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the zoning by-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Transportation;
- o Ministry of Natural Resources;
- o Ministry of the Environment (subject to standard noise condition);
- o Ministry of Culture and Communications (subject to standard condition);
- o Hamilton Region Conservation Authority;
- o Union Gas, Bell Canada, Ontario Hydro;
- o City of Hamilton Board of Education;
- o City of Hamilton Traffic Department (subject to ingress and egress for multiple Blocks "138" and "139" and Lots 82 and 83);
- o City of Hamilton Building Department (subject to rezoning);
- o Transportation Corridor (Freeway Project) (subject to 15m berm easement and 150' deep lots abutting freeway).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations (on the basis of the originally submitted plan):

RECOMMENDATIONS:

- 1) A 12 metre wide easement is to be established from Crescent "A" to Upper Wellington Street for sewer purposes. The approximate easement location is shown on the attached sketch.
- 2) A 6 metre wide watermain easement is to be established from the south limits of Blocks "143" and "144", over the said blocks to Sirente Drive (Details of location to be determined during approval of detailed engineering).
- 3) The applicant is to dedicate to the Region for road widening purposes the following pieces of land:
 - a) a ten (10) metre wide strip of land along the east side of Upper Wellington Street;

- b) A triangular piece of land, ten (10) metres by two hundred (200) metres adjacent to the widening noted in 3(a) and as shown on the attached sketch. Note: This parcel is in excess to normal widenings that the Region is allowed to request for road widening purposes. Therefore, the Region will be required to compensate the developer through the subdivision process for these lands at fair market value.
- 4) Sirente Drive at Upper Wellington is to be shifted thirteen (13) metres to the north so that the entire Sirente Drive road allowance is within this developer's plan. This will then conform with the approved neighbourhood plan.
- 5) A twelve (12) metre by twelve (12) metre daylight triangle is to be established from the widened limits at the intersection of Upper Wellington Street and Sirente Drive.
- 6) The centreline radius of all streets with curves are to have a minimum of 110 metre radii, except for the centreline radius of Sirente Drive between the north-south leg of Crescent "A" and Court "B". The centreline at this point is to be established at a 250 metre radius in order to provide proper sight distances at Crescent "A".
- 7) Courts "B", "C" and "D" are to be established at twenty (20) metres in width, with fifteen (15) metre radius bulbs and nine (9) metre radius transitions at the cul-de-sac bulb.
- 8) Marlene Drive (now known as Cyprus Drive), is to be established at its full width in conjunction with the registration of the Final Plan.
- 9) A two (2) metre by two (2) metre daylight triangle is to be established on the corner of Lot 84.
- 10) The Developer is to provide a fifteen (15) metre wide easement for berm and noise barrier purposes adjacent to the Freeway extending along the rear portions of Lots 60 to 83 (inclusive) and Block "142".
- 11) The Developer is to enter into Subdivision Agreements with both the City of Hamilton and the Hamilton-Wentworth Region prior to the development of any portion of these lands.

FOR INFORMATION

- 1) Sanitary sewers, storm sewers and watermains are available on Merrilee Crescent and Sirente Drive at the easterly limits for the servicing of this subdivision.
- 2) Dead ends and open sides of the road allowances are to be terminated in 0.3 metre reserves and are to be transferred to the Municipality.
- 3) The Developer should be advised that access to Block "142" from Upper Wellington Street will not be permitted. Access will only be permitted from Sirente Drive or Crescent "A".

- 4) Merrilee Crescent and Sirente Drive must align centreline to centreline with the respective existing portions of the streets to the east of the proposed plan.
- 5) We understand that lands in the area of Blocks "143" and "144" are to be established for park purposes. Provisions will be made in the City Subdivision Agreement to cover any transfer of parklands to the City.

The submitted plan, as prepared by A. J. Clarke, O.L.S., dated September 20, 1989 and revised December 14, 1989, is satisfactory to this Department subject to the above-noted comments and recommendations.

2. Rezoning Application

The following Departments and agencies have no comments or objections:

- o Hamilton Region Conservation Authority;
- o Building Department;
- o Hamilton-Wentworth Engineering Department; and,
- o Traffic Department.

See attached letter from Freeway Office (Appendix "C").

COMMENTS:

Official Plan:

Blocks "2", "3", "4" and "5" are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

- | | |
|----------|--|
| "A.2.1.1 | The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together. |
| A.2.1.3 | Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to: <ul style="list-style-type: none"> i) Public parks less than .4 hectare in size. |
| A.2.1.8 | It is the intent of Council that variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2. |
| C.7.2 | Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value." |

Block "1" is also designated "RESIDENTIAL" and Block "6" is designated both "RESIDENTIAL" and "OPEN SPACE" on Schedule "A". Since the proposed park is greater than 0.4 ha in size, it is not a permitted use within the "RESIDENTIAL" designation (Policy A.2.1.3i). Further, since the proposed park is located adjacent to an "OPEN SPACE" designation, the following policy applies:

- "A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands...
- D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

Based on Policy D.8.2, Block "1" can be considered as a minor extension of the "OPEN SPACE" designation.

Based on Policy D.8.2 and the proposed amendment to the Neighbourhood Plan to designate the Block for "Park and Recreation", the proposal does not conflict with the intent of the "OPEN SPACE" designation.

Furthermore, if the application is approved for residential purposes then an amendment to the Plan will not be required given Policy D.8.2.

The proposal does not conflict with the intent of the Official Plan.

Subdivision and Rezoning Application:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed amendments to the Zoning By-law to implement the plan.
2. The lands include an area designated for a park in the approved Neighbourhood Plan, therefore, it is recommended that land be taken as the parkland requirement for this plan of subdivision.
3. The conformity of the proposal with the Official Plan and the need for a zoning by-law amendment is noted.
4. The proposal complies with the Official Plan and the proposed amendments to the Crerar Neighbourhood Plan.

The proposal has merit and warrants consideration for the following reasons:

- a) it provides for a mix of land uses within the neighbourhood;
- b) it fulfills the conditions of the proposed subdivision; and,
- c) it implements both the Official Plan and Neighbourhood Plan.

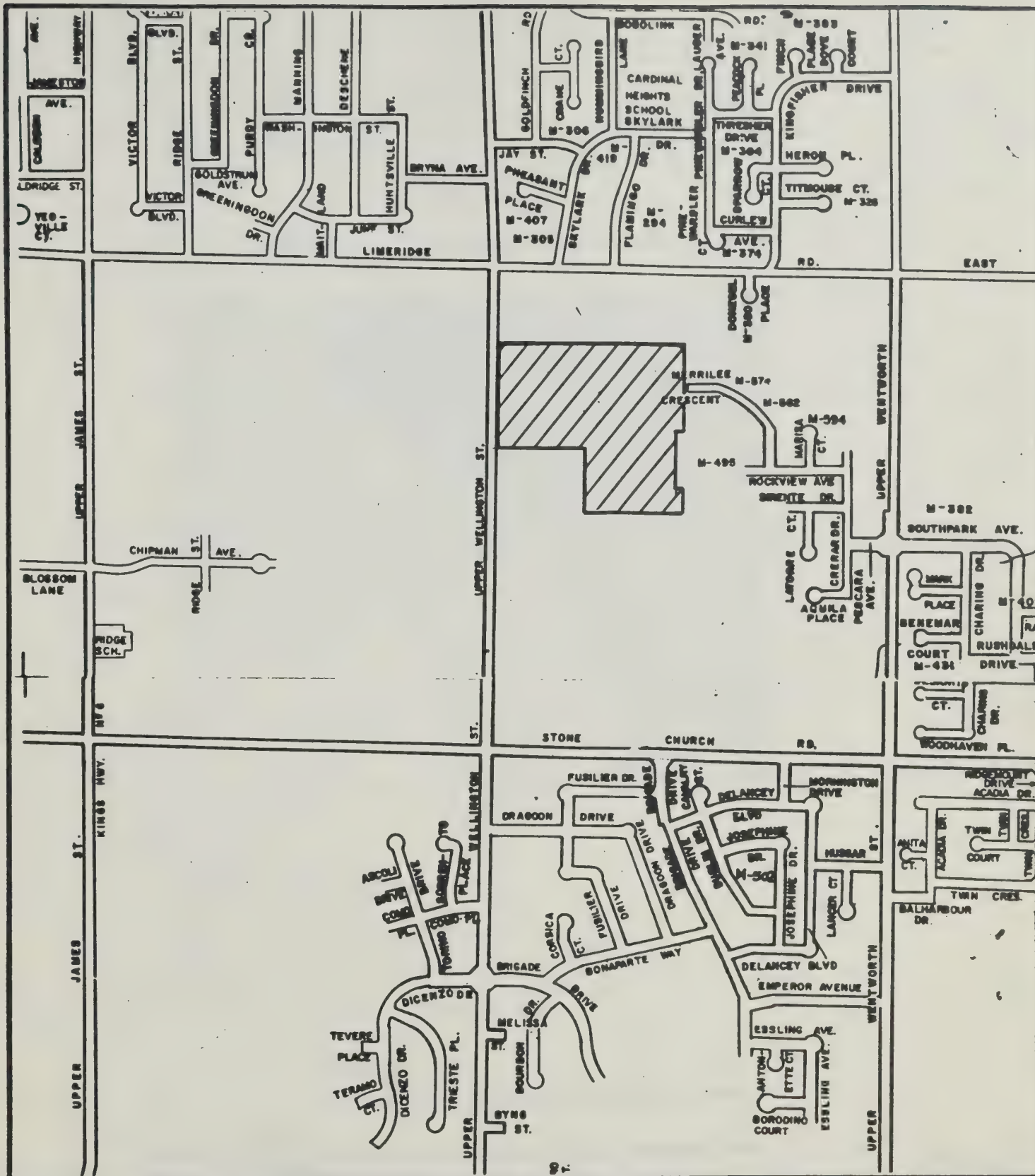
However, the change in zoning for Block "6" on APPENDIX "A" (Zoning Application 89-131) cannot be supported for the following reasons:

- i) the proposed amendments to the Crerar Neighbourhood Plan designate the lands for "Park and Recreational." It is intended that this site, as well as the site to the east (Block "1"), be retained as a woodlot since it is a unique natural feature. In addition, the Official Plan designates the lands "OPEN SPACE";
- ii) the multiple dwelling is an inappropriate land use given its location within the interior of the neighbourhood. Higher density uses should be more appropriately located on the periphery of the neighbourhood (Upper Wellington Street).

An amended application for Block "6" (to rezone the lands for park purposes) can be supported since it implements the intent of the Neighbourhood Plan which designates the area for "Park and Recreational". The purpose of this zoning change is to allow for the preservation of the existing woodlot.

Should the Planning and Development Committee and Council not wish to purchase Block "6" for park purposes, then townhouses ("RT-20" District) would be an appropriate land use, given its proximity to higher density uses proposed on Upper Wellington Street.

5. The proposed changes in zoning for Blocks "4" and "5" (ZA-89-132) have merit and warrant consideration for the following reasons:
 - i) it implements the intent of the Official Plan, specifically Policy A.2.1.8 which allows for a variety and mix of housing types;
 - ii) it is located on the periphery of the neighbourhood; and,
 - iii) it implements the proposed amendments to the Neighbourhood Plan.
6. The Traffic Department has advised that they do not support street-townhouse development for Block "4", due to the potential number of vehicular accesses onto Upper Wellington Street, which is a major arterial road. In this regard, it would be appropriate to prohibit street townhouses on these lands.
7. Concerns expressed by the Freeway Project Office can be included through the conditions of draft approval.
8. Under the "RT-20" and "RT-30" district regulations, the lands are subject to Site Plan Control By-law 79-275, as amended by 87-223. Matters such as access, parking, landscaping etc. will be dealt with during the site plan approval process.
9. The requirements of the various agencies can be implemented through the conditions of draft approval to be established by the Commissioner of Planning and Development and the City Subdivision Agreement.



Location Plan For

ROSE GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

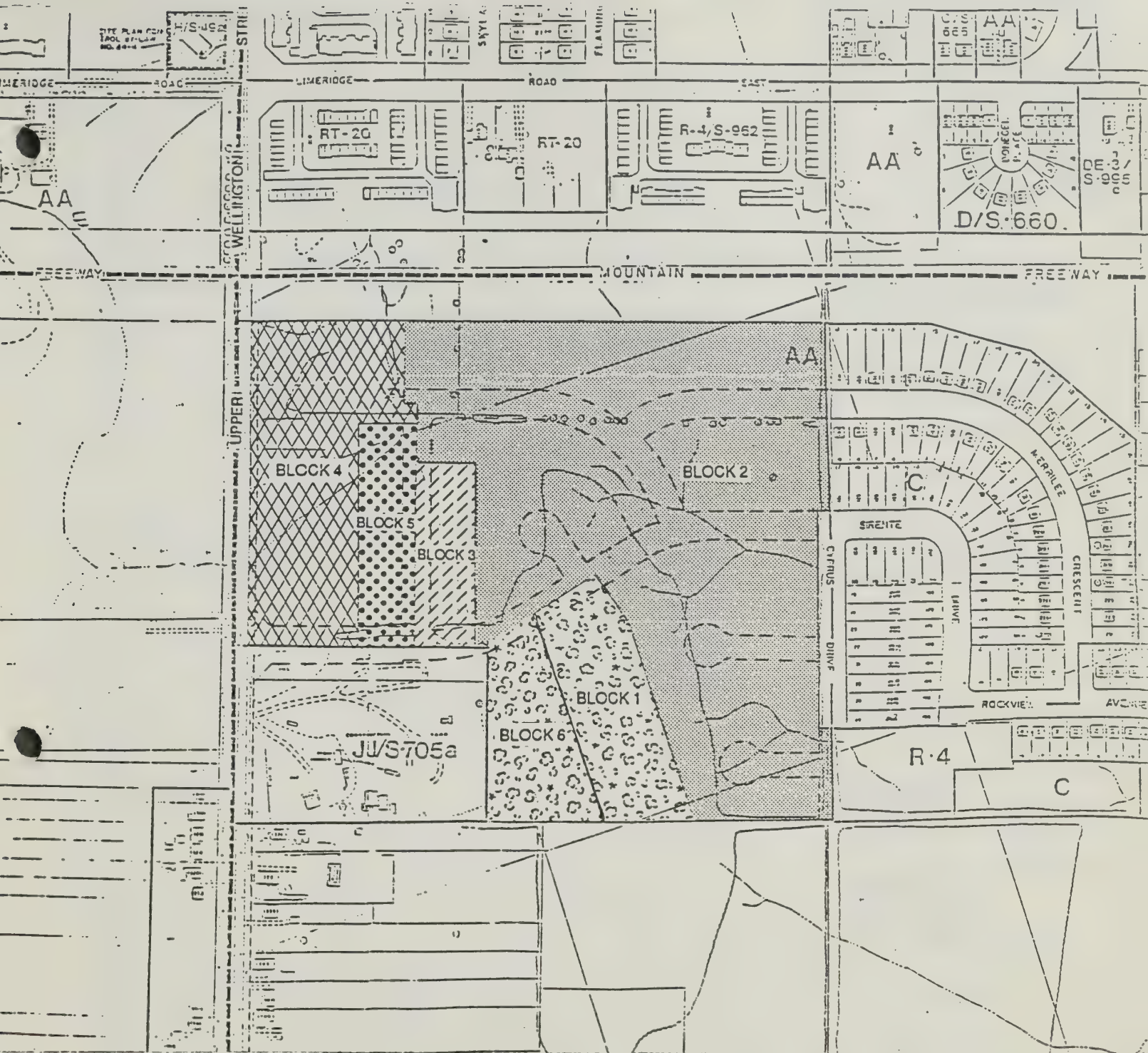


Scale
N. T. S.

Date
OCT. 13, 1989

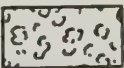




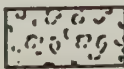
Reference File No.
25T-89032

Drawing No.



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

ZA 89-98	BLOCK 1		"A" (Conservation, Open Space, Park and Recreation) District.
	BLOCK 2		"C" (Urban Protected Residential etc.) District.
	BLOCK 3		"R-4" (Small Lot Single - Family Detached) District.
ZA 89-132	BLOCK 4		"RT-20" (Townhouse - Maisonette) District.
	BLOCK 5		"RT-30" (Street - Townhouse) District.
ZA 89-131	BLOCK 6		"A" (Conservation, Open Space, Park and Recreation) District.



APPENDIX B



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Mountain East-West and North-South Transportation Corridor
Project Office
25 Main St. West - 10th Floor
Hamilton, Ontario L8P 1H1
(416) 526-4277

APPENDIX "C"

JAN 24 1990	
TO	ACT.
Our File No. 80.11.18	
January 16, 1990	
JHEK	
CAL	
ADMIN	

MEMO TO: Mr. A. Georgieff, Division Head, Policy Neighbourhood
Planning, Planning and Development Department

FROM: Beth Lavender, Environment Planner
Freeway Project Office

RE: Zoning Application 89-132

Staff of the Freeway Project Office have reviewed the above-reference application and offer the following comments.

Parcel 1 of the subject property directly abuts the freeway corridor to the south. As a result of this and in conjunction with City Council resolution adopted on October 9, 1973, we require that the following be attached as conditions of approval:

1. That the first row of residential lots be a minimum of 150' in depth and drained away from the freeway corridor; and
2. That the applicant grant a 50' surface easement on the lands immediately adjoining the freeway for the purposes of construction a landscaped noise barrier.
3. That the applicant dedicate to the Region a strip of land 10 m in width on the east of Upper Wellington Street for road widening purposes.
4. That the applicant agree to sell to the Region at fair and equitable price an additional parcel of land along Upper Wellington, 1,000 m² in area, measuring 200 metres in length, tapering from a width of 10 metres at the East-West Freeway boundary to meet the new dedicated property limit.

Additional property is also required along Upper Wellington Street as shown on the attached plan. Therefore, prior to approval of this application, the owner should be required to agree to the future acquisition of lands required for the Mountain Freeway and related works on Upper Wellington Street. (The Upper Wellington Street land requirement varies from approximately 5 to 15 m beyond the 30.48 m road allowance.)

Finally, as a result of the grade separation required for Upper Wellington Street, access to this property should be restricted to the interior street system.

B. Lavender
:dr
Att'd.



MILLER O'DELL
PLANNING ASSOCIATES

3215 NORTH SERVICE ROAD, BOX 220, BURLINGTON, ONTARIO L7R 3Y2
8 CENTRE STREET, ST. CATHARINES, ONTARIO L2R 3A7
410 QUEENS AVENUE, LONDON, ONTARIO N6B 1X9

22b
(i)
TELEPHONE: (416) 335-1121
TELEPHONE: (416) 688-1130
TELEPHONE: (519) 672-1143

REPLY TO.

Burlington
JHE!

March 28th, 1990
Our File: 87535

City of Hamilton
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

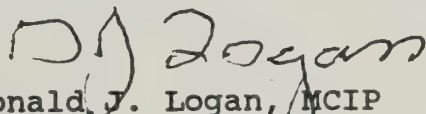
RE: ZA 89-98 - Wasserman

I am writing on behalf of Red-D-Mix Concrete Co. and Standard Paving Co., both being divisions of Standard Industries Ltd.

We are not opposed to the subject rezoning providing the development of the said lands does not conflict with or restrict the development of the property to the south on Upper Wellington Street which is also being considered for redevelopment (see ZA 89-90).

Yours very truly,

MILLER O'DELL PLANNING ASSOCIATES


Per: Donald J. Logan, MCIP
Planning Consultant

DJL/ad

c.c. Red-D-Mix Concrete Company
Mr. Frank Murphy

PROPOSED CHANGE IN ZONING FROM AA TO A,C,R-4,RT-20,RT-30 AND E-2

PROPERTY DESCRIPTION - EAST SIDE OF UPPER WELLINGTON STREET AND SOUTH OF

THE PROPOSED MOUNTAIN FREEWAY

I AM IN FAVOUR OF ()

OPPOSED TO () (PLEASE CHECK (V) WHICH)

MAR 30 1990


MAR 30 1990

THIS PROPOSED ZONE CHANGE:

as per attached letter dated March 28th, 1990

STANDARD INDUSTRIES LTD
STANDARD PAVING COMPANY
DIVISION

PO BOX 65 STN B
HAMILTON, ONT

 SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

L8L 7V1

FILE-2A89-98

SEQ-00026

PROPOSED CHANGE IN ZONING FROM AA TO A,C,R-4,RT-20,RT-30 AND E-2

PROPERTY DESCRIPTION - EAST SIDE OF UPPER WELLINGTON STREET AND SOUTH OF

THE PROPOSED MOUNTAIN FREEWAY

I AM IN FAVOUR OF ()

OPPOSED TO () (PLEASE CHECK (V) WHICH)


MAR 30 1990

MAR 30 1990

THIS PROPOSED ZONE CHANGE

as per attached letter dated March 28th, 1990

STANDARD INDUSTRIES LTD
RED-U-MIX CONCRETE COMPANY
DIVISION
BOX 65 STN B
HAMILTON ONT

 SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

L8L 7V1

FILE-2A89-98

SEQ-00031

23.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: March 27, 1990

COMM FILE:

DEPT FILE: ZA-89-55
Gibson
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

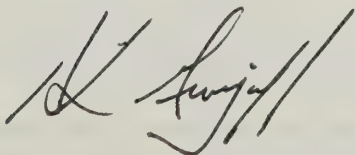
SUBJECT:

Request for a change in zoning - No. 286 Sanford Avenue North.

RECOMMENDATION

That amended Zoning Application 89-55, Meridian Co-operative Homes/Homestarts, prospective owner, requesting an Official Plan Amendment to redesignate lands from "INDUSTRIAL" to "RESIDENTIAL" and remove them from "SPECIAL POLICY AREA 11", and for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building to a maximum 74-unit co-operative/non-profit multiple dwelling on lands located at No. 286 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A, be DENIED for the following reasons:

1. It conflicts with the intent of the approved Gibson Neighbourhood Plan which designates the subject land "INDUSTRIAL".
2. The Ministry of the Environment has advised that the proposed mitigative measures (e.g. sealed windows, air conditioning) are not acceptable as a means of noise control in this situation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses.



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND

o Proposal

The purpose of the proposed change in zoning is to permit the conversion of the existing seven-storey office building (formerly Westinghouse) to a 74-unit (maximum) co-operative/non-profit multiple dwelling. Thirty percent of the dwelling units will be designated for senior citizens, 5% will be designated for disabled persons, while the balance will be geared to income-assisted housing. It is understood that the applicant has requested the Ministry of Housing for consideration to include the project under the Provincial Affordable Housing Program.

o Zoning History

At its meeting held on August 16, 1989, the Planning and Development Committee tabled the subject application pending the submission and review of a professional acoustical study to the satisfaction of the Ontario Ministry of the Environment.

o Environmental Noise Analysis

On October 23, 1989 a professional Environmental Noise Analysis report was prepared for the applicant by the firm Jade Acoustics Inc., Consulting Engineers. The report concluded that with the incorporation of indoor sound mitigation measures (e.g. double glazed windows, air conditioning), a satisfactory sound environment can be achieved at the indoor living spaces. It is also recommended that future occupants should be advised of the potential noise sources through the use of warning clauses. However, as noted in the report, the Ministry of the Environment does not stipulate any indoor criteria when evaluating the impact of noise from stationary industrial sources. It is understood that The Ministry of the Environment utilizes a criterion for the outside face of the building not indoor. Furthermore, the guidelines imply that control should be undertaken at the sources. In this regard, the consultants concluded that due to the nature of this project and the extent of the industrial sources in the area it is not feasible to attenuate the sound levels at the source.

o Ministry of the Environment-Response

The Ministry of the Environment reviewed the Environmental Noise Analysis and advised that:

"our standards prescribe that noise from stationary sources shall be measured in the plane of open windows; therefore, sealed windows with ventilation and cooling provided by a central air conditioning system would not be acceptable as a means of noise control in this situation.

Because of these circumstances, we must now return to our original recommendation that the Official Plan and zoning by-law amendments which are sought by Meridian Co-operative Homes not be approved."

- **Meeting to Discuss Noise Abatement Alternatives**

On December 19, 1989 a meeting was held in the offices of the Ministry of the Environment with representatives of the Ministry of the Environment, Ministry of Housing, Ministry of Municipal Affairs, Regional Planning & Development Department, Regional Noise Control Officer, Westinghouse Canada Inc., Slater Steel Industries and the applicant/agent. The purpose of the meeting was to exchange information about the housing project, and the need to address noise effects and their control. At the conclusion of the meeting it was agreed that the applicant/agent as well as their acoustical consultant would meet with representatives of Westinghouse and Slater Steel Industries to explore the option of resolving noise issues at source.

- **Westinghouse Canada Inc.**

Letter of objection dated January 29, 1990 (see APPENDIX "C" attached).

- **Slater Steel Industries Inc.**

Letter of objection dated February 8, 1990 received from Borden & Elliot representative for Slater Steel Inc. (see APPENDIX "D" attached).

APPLICANT

Meridian Co-operative Homes c/o Homestarts Incorporated, prospective owner.

LOT SIZE AND AREA

- 36.08 m (118.37 ft.) of lot frontage on Sanford Avenue North;
- 64.5 m (211.5 ft.) frontage on Myler Street;
- 39.0 m (128.12 feet) of frontage on Westinghouse Avenue; and,
- 2,445.9 m² (26,328.1 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	7-Storey Office Building	"K" (Heavy Industry, etc.) District
<u>Surrounding Lands</u>		
To the north	Industrial (Westinghouse Canada Inc.)	"K" (Heavy Industry, etc.) District
To the south	Single-family, two-family, three-family, and multiple-family dwellings	"K" (Heavy Industry, etc.) District
To the east	Storage garage and parking lot	"K" (Heavy Industry, etc.) District
To the west	Park	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN

Designated "Industrial" on Schedule "A" - Land Use Concept Plan of the Official Plan, and within SPECIAL POLICY AREA 11 on Schedule "B" - Special Policy Areas. Within SPECIAL POLICY AREA 11, Light Industrial uses are permitted. The following policies among others would also apply:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing.
- A.2.3.22 In amending the Plan to permit a change in use from Residential to LIGHT INDUSTRIAL or LIGHT INDUSTRIAL to Residential in areas where a mix of Residential and Industrial is permissible in the short term, Council will consider the following in the preparation of appropriate by-laws:
- i) Recommendations of any future residential enclave studies;
 - ii) The advisability of retaining existing buildings or uses in terms of their architectural or historical merit, or employment opportunities;

- iii) The extent of which a change in use would adversely affect the continued compatibility of neighbourhood uses; and,
- iv) The provisions of appropriate Provincial legislation, either governing the issuance of Certificate of Approval for LIGHT INDUSTRIAL USES or in any other manner regulating the standards of LIGHT INDUSTRIAL PERFORMANCE."

The proposed residential use is not permitted within the INDUSTRIAL designation. If the application is approved, an Official Plan Amendment will be required to redesignate the subject lands from INDUSTRIAL to RESIDENTIAL and to remove them from SPECIAL POLICY AREA 11.

NEIGHBOURHOOD PLAN

Designated for "INDUSTRIAL" use on the approved Gibson Neighbourhood Plan. The proposal would require redesignation from "INDUSTRIAL" to "MEDIUM DENSITY APARTMENTS".

COMMENTS RECEIVED

- **The Building Department** has advised that:

- "1. The west front yard, the north side yard, and the east rear yard setbacks are all insufficient.
- 2. There is parking in the required front yard, which is not permitted.
- 3. Required parking spaces shall be 8.86 ft. X 19.69 ft. All spaces shown are 9.50 X 16.00 ft.
- 4. The driveways and the manoeuvring lengths shall both be 19.69 ft. long. Shown is one aisle at 15.0 ft. and the other at 15.37 ft. I doubt if you could actually manoeuvre a car in this short space.
- 5. A portion of the manoeuvring on the south side is a city alley, which is not permitted.
- 6. There is not 25% of the lot area landscaped.
- 7. The required loading space is not shown.
- 8. The number of required parking spaces is 93; shown is 66 spaces.

9. The maximum gross floor area permitted is approximately 44,760 square feet. The proposed gross floor area will be approximately 70,000 square feet."

- **The Traffic Department** has advised as follows:

" As discussed, we would be prepared to support this project under the following conditions:

1. Max. 74 units
2. Min. 30% of units for seniors
3. Parking being provided as: .3 space/senior unit
.8 space/non-senior

We prefer the parking layout provided by the architect which provided for 55 spaces but agree that his plan should be modified as follows:

1. provide maximum landscape line to match east and west building face extensions (i.e. loss 2 spaces).
2. relocation of parking along property line so as to remove parking from alley".

- **The Hamilton-Wentworth Engineering Department** has advised that:

"Both public watermains as well as combined storm and sanitary sewers are available.

We do not anticipate any further road widenings at this time.

The abutting alley from Sanford Avenue to Westinghouse is public assumed.

Further specific details will be dealt with at the site plan stage."

- **The Local Architectural Conservation Advisory Committee** staff has advised that the building is designated under the Ontario Heritage Act. In this regard, the following comments were submitted:

"We support the proposed change in zoning from "K" (Heavy Industry) to "E" (Multiple Dwellings, etc.) District for the following reasons:

1. While it would be preferable, from a heritage conservation standpoint, for the Canadian Westinghouse Head Office to continue to serve its original function as an office building, the proposed residential use may better ensure the continued viability

of the building, thereby securing its future. (Note: designation under the Ontario Heritage Act does not provide permanent protection against demolition).

2. While changes of use can often result in unsympathetic alterations or additions, this building is protected from adverse changes to any of its designated facades. (Note: visible alteration to the building's designated features or facades require special approval from Council.)"

- The Hamilton Region Conservation Authority has no objection.

- The Ministry of the Environment has advised as follows:

"...our standards prescribe that noise from stationary sources shall be measured in the plane of open windows; therefore, sealed windows with ventilation and cooling provided by a central air conditioning system would not be acceptable as a means of noise control in this situation.

Because of these circumstances, we must now return to our original recommendation that the Official Plan and zoning by-law amendments which are sought by Meridian Co-operative Homes not be approved." (see APPENDIX "B")

COMMENTS

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require redesignation of the subject lands to "RESIDENTIAL" and to remove them from SPECIAL POLICY AREA 11.
2. The proposal would require a redesignation of the approved Gibson Neighbourhood Plan from "INDUSTRIAL" to "MEDIUM DENSITY APARTMENTS".
3. The following is a summary of the positive and negative aspects of the proposed development:

3.1 Positive Aspects

- it would facilitate the adaptive re-use of a designated building under the Ontario Heritage Act which is of architectural/historical significance;
- it would provide for assisted housing which is in short supply. In this regard, the need for assisted housing has been documented in a report prepared by the Planning and Development Department in 1988, based on an assisted housing survey. The survey revealed that a total of 5,041 households were in need of Market Rent or Rent Geared-to-Income accommodations.

Furthermore, according to the latest CMHC Housing Report (October 1989), the City of Hamilton's vacancy rate for apartments with six or more units is 0.5%, and 2.7% for Zone 4 within which the subject lands are located, which is well below a vacancy rate of 3% which is considered desirable;

- it implements the Provincial Housing Guidelines respecting Affordable Housing;
- it is located in proximity to a large park (Woodlands), a public transit route (Barton Street), community and commercial facilities; and,
- it would be compatible with established residential development to the south.

3.2 Negative Aspects

- The subject building is located in close proximity to an established heavy industrial use to the north (Westinghouse Canada Inc.,) and may be subjected to negative environmental impacts (e.g. noise).
- The Ministry of the Environment has recommended that the application not be approved, as the proposed mitigative measures (e.g. sealed windows, air conditioning) would not be acceptable as a means of noise control in this situation.

Although the Department supports the concept of conversion/intensification as a means of providing affordable housing opportunities, approval of the application could result in future land use conflicts. More specifically, noise complaints from tenants of the building could negatively impact on the operations of adjoining industrial uses. The extent of such impact would depend upon the range of mitigative measures, if required, to abate the noise concerns.

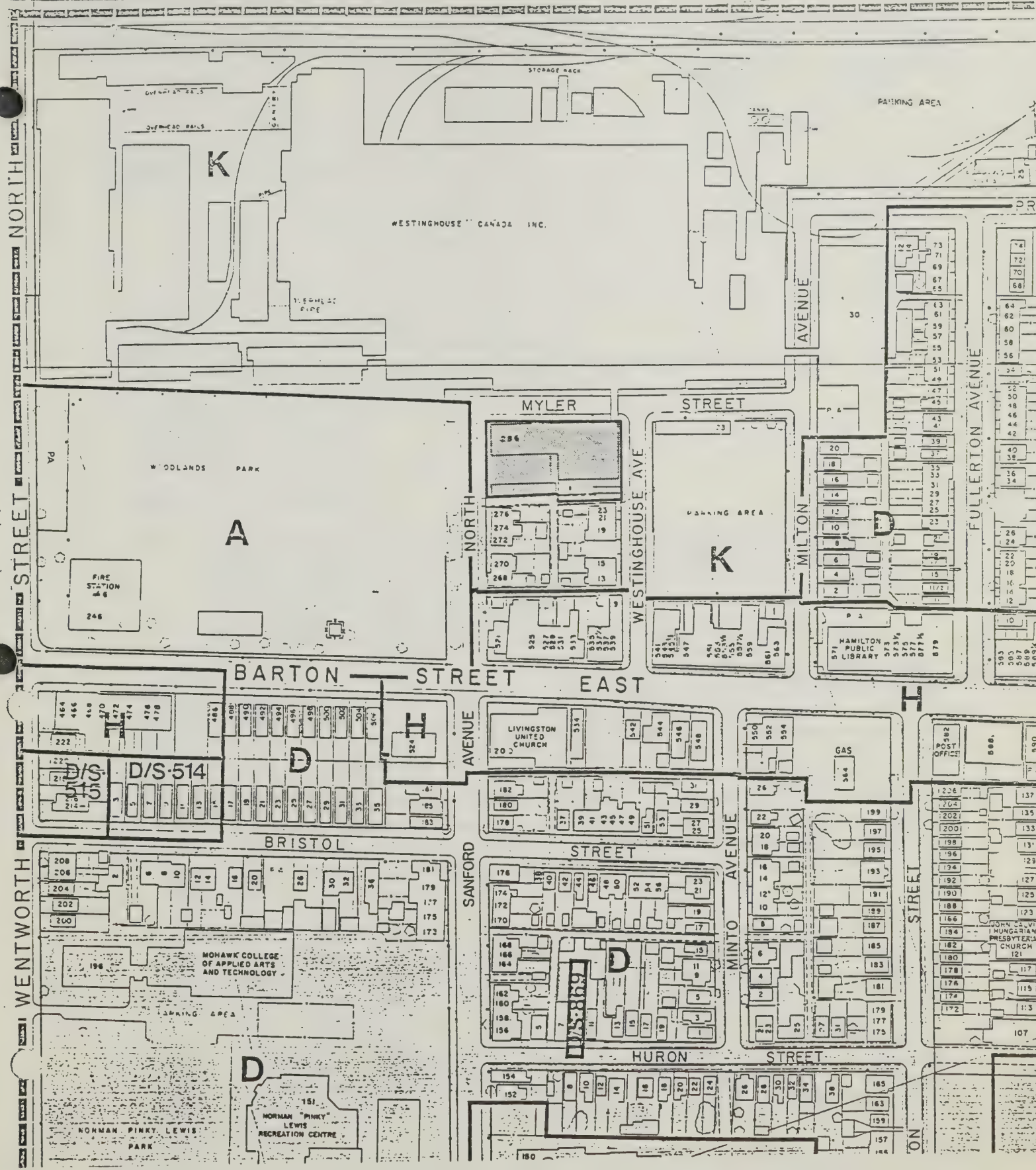
Given the potential for future land use conflict(s); the objection of the Ministry of the Environment; and the quality of the residential environment, in that noise levels cannot be adequately mitigated at source, the application cannot be supported.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GW
/ma

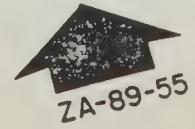
WP2NDZA8955



Legend



Site of the Application



February 12, 1990

Mr. Paul Mallard, Head
Land Use and Urban Design Division
The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Mallard:

RE: Application No. 89-55 for Change in Zoning from "K"
(Heavy Industrial) District to "E" (Multiple Dwellings,
Lodges, Clubs, etc.) District, Modified for
No. 286 Sanford Avenue North
Your File No. ZA-89-55

I understand from our recent telephone discussion that you have a copy of a letter by Mr. T. H. Lawrason of Westinghouse Canada Inc. to Mr. S. Goetz-Gadon of Homestarts Inc., dated January 29, 1990. His letter expresses that Westinghouse is opposed to a rezoning and, by implication, an amendment to the Hamilton Official Plan, in order for the building at 286 Sanford Avenue North to be used for residential purposes. It is implicit in Mr. Lawrason's communication that his firm is not prepared to see noise attenuation measures applied within its plant in order for a residential conversion to occur.

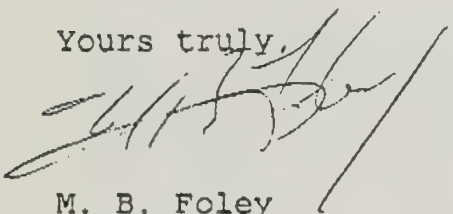
Through my letter of August 8, 1989, I indicated to you that it might be feasible to apply noise attenuation measures to the building proposed for conversion in order that our noise level objectives may be met. I have since been advised by our Dr. R. Ramakrishnan that our standards prescribe that noise from stationary sources shall be measured in the plane of open windows; therefore, sealed windows with ventilation and cooling provided by a central air conditioning system would not be acceptable as a means of noise control in this situation.

Because of these circumstances, we must now return to our original recommendation that the Official Plan and zoning by-law amendments which are sought by Meridian Co-operative Homes not be approved.

We could support rezoning by the subject property for light industrial uses which would be compatible with both the heavy industrial uses to the north and with residential uses to the south. Such action would in fact seem in keeping with the "Industrial" land use designation now prevailing, and with the site's inclusion under "Special Policy Area 11". Alternatively, commercial uses to the building of types fully compatible with its surroundings would be acceptable.

Please convey our position as expressed herein to Planning Committee of Hamilton Council.

Yours truly,



M. B. Foley
Planning Co-ordinator
West Central Region

cc: Mr. S. Goetz-Gadon, Homestarts Inc.
Mr. T. Lawrason, Westinghouse Canada
Mr. B. Bowman, Slater Steels, Hamilton Specialty
Bar Division
Ms S. McDonald, Ministry of Housing
Ms G. Strachan, Ministry of Municipal Affairs
Dr. R. Ramakrishnan, Ministry of the Environment,
Toronto
Mr. L. Vanbiesbrouck, Ministry of the Environment,
Hamilton
Mr. J. Clifford, Ministry of the Environment, Toronto

MBF/pd



Westinghouse Canada Inc.

Box 2510
Hamilton Ontario
L8N 3K2
Telephone (416) 528-8011
Tolax 061-8855

VIA FAX

January 29, 1990

Mr. S. Goetz-Gadon
Homestarts Incorporated
6557G Mississauga Road
Mississauga, Ontario
L5N 1A6

Dear Mr. Goetz-Gadon:

Re: 286 Sanford Avenue N., Hamilton

Thank you for the material that you sent to me with your letter of December 20, 1989.

As you are aware, Westinghouse opposed the application to re-zone this property residential at the Planning and Development Committee meeting last August. I wish to advise you that after giving the matter further consideration, Westinghouse is still opposed to this property being re-zoned residential. Due to the sound and combustion emissions generated by heavy industry and the presence of truck traffic that serves heavy industry and the sensitivity of residential uses to these conditions, it is Westinghouse's view that residential uses should not be located immediately adjacent to heavy industrial uses.

In light of this, I do not foresee a meeting between our respective companies serving any useful purpose at this time.

Yours very truly,

T.H.L.

T. H. Lawrason
Director
Real Estate Services

:jc

ID: 0822B

cc: M. B. Foley - Ministry of the Environment
R. Ramakrishnan - Ministry of the Environment

APPENDIX C

Please refer to: S. M. Makuch

Direct line: (416) 367-6226

February 7, 1990

Mr. Sean Goetz-Gadon
Homestarts Incorporated
6557G Mississauga
Mississauga, Ontario
L5N 1A6

Dear Mr. Goetz-Gadon

Re: 286 Sanford Ave. North, Hamilton

I am writing on behalf of Slater Steel, in response to our discussions regarding the proposed zoning and official plan amendment by Homestarts Incorporated for the above site, and our conversation of January 29, 1990.

While Slater Steel believes firmly in the social goals of affordable housing which would be served by the zoning and official plan amendments your organization proposes, it is equally committed to the social and economic goal of maintaining industry and employment in Hamilton at a time of increased competition because of free trade.

In the view of Slater Steel, the location of a high density residence as you propose in an industrial area, would run counter to the social and economic goals of creating and maintaining employment in Hamilton and would be poor planning, because conflicting land uses would be placed side by side. A creation of such a conflict would be detrimental to the industrial employment in this area.

As a result, reluctantly, Slater Steel cannot support the proposed rezoning and official plan amendment.

Should you have any further suggestions or questions regarding this matter please do not hesitate to contact me.

Yours truly,
BORDEN & ELLIOT

Swatters

for Stanley M. Makuch

SMM/lw

Inter-Office Correspondence

Memo To		Date	March 21/90.
Attention		In Reply To Yours Of	
From		Subject	23a.
Distribution			MAR 27 1990

I am in favour of the zoning
change this will bring more
business in the area & Barton St
will become more better.

Jori Sim.
(J. Suri)

PROPOSED CHANGE IN ZONING FROM K TO E(MODIFIED)

PROPERTY DESCRIPTION - NO 286 SANFORD AVENUE NORTH

MA 1955

I AM IN FAVOUR OF (✓)

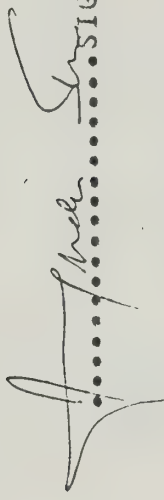
OPPOSED TO () (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

.....

SURI, JUGINDER IN TRUST
72 CALDERBRIDGE CRESCENT
UNIONVILLE, ONTARIO

L3R 9N7

.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

.....

FILE-ZA89-55 SEQ-00096

Inter-Office Correspondence

Memo To	Date
Attention	In Reply To Yours Of
From	Subject
Distribution	

I am in favor of the zoning change. This will bring I more business in the area 4 Barton St. will become more better.

J. J. Suki
(J. Suki)

23b

1990 03 23

Housing HelpCentre

HAMILTON/WENTWORTH

135 Rebecca Street, Hamilton, Ontario L8R 1B9 (416) 528-0221

PMH
C. W. G.
28 March 1990

Mr. Paul Mallard, Head
Land Use and Urban Design Division
The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Mallard,

Re: Meridian Co-operative Homes Inc., 286 Sanford Ave. N.
Application No. 89-55 for change in zoning

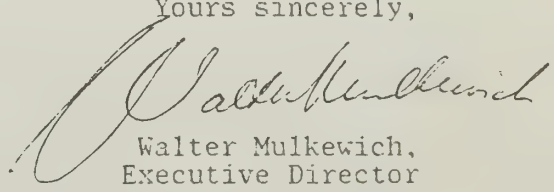
The Housing Help Centre is a local housing advocacy agency as well as a centre providing direct assistance for people seeking adequate and affordable housing. Our experience with low income people in the Region confirms the serious need for more non profit housing units. This is especially a need in the central and north areas of the city of Hamilton.

I understand that Meridian Co-operative Homes Inc. is made up of local community members who see the proposed location as a good site to create 74 units of affordable and geared to income housing for families, seniors, singles and couples. The location of this site is in an area for which there is a high demand for affordable adequate housing. It is opposite a park and near services and other residential areas.

I understand that there are certain concerns with respect to the location next to existing industry and especially the noise. It is my hope that appropriate conditions can be worked out to meet these legitimate concerns.

If the Housing Help Centre can be of any further assistance to you please let me know.

Yours sincerely,


Walter Mulkewich,
Executive Director

WM:jab

c.c. Roy Holmes, Ministry of Housing
Sean Goetz-Gadon, Homestarts
Members of the Board of Directors, Housing Help Centre

FOR ACTION

24.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 27, 1990
COMM. FILE:
DEPT. FILE: CI-90-B

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

City Initiative - Harbour Zoning

RECOMMENDATION

1. That approval be given to Official Plan Amendment No. to modify Policy A.2.7.2 (Utilities) to clarify land use jurisdiction of lands designated "Utilities" in the Hamilton Harbour, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth for approval.
2. That approval be given to City Initiative 90-B to provide for amendments to Zoning By-law No. 6593, as amended by By-law No. 83-239, respecting the proposed "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, applicable to the lands known as Piers 25 to 27 and Piers 10 to 14, as shown on the attached map marked as Appendix "A", on the following basis:
 - i) That By-laws 83-258 and 84-179 be repealed in their entirety;
 - ii) That Section 2 of By-law No. 83-239 be amended by deleting the portion beginning with SECTION 12C - "F-3" DISTRICT and SECTION 12D - "F-4" DISTRICT in their entirety, and substituting the attached APPENDIX "B" therefor;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 83-239, for presentation to City Council;
 - iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the proposed Official Plan amendment is to clarify the intent of the Official Plan respecting land use jurisdiction for those lands designated "Utilities" in the Hamilton Harbour.

The purpose of the proposed By-law amendments is to clarify the intent of the "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, with respect to the jurisdiction of the Hamilton Harbour Commissioners for shipping and navigation matters.

4. Amend the introductory language of Part "B" for the "F-3" and "F-4" Districts to the following effect:

"In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:"

5. Amend Part "A" of the "F-3" and "F-4" District by adding the following uses and, where permitted, by deleting them from Part "B":

- Other Service Industries Incidental to water Transport;
- Other Water Transport Industries;
- Marine Salvage Industry;
- Shipbuilding and Repair Industry; and
- Boatbuilding and Repair Industry.

6. Amend Part "A" of the "F-3" and "F-4" Districts by adding the following use:

● Other Uses

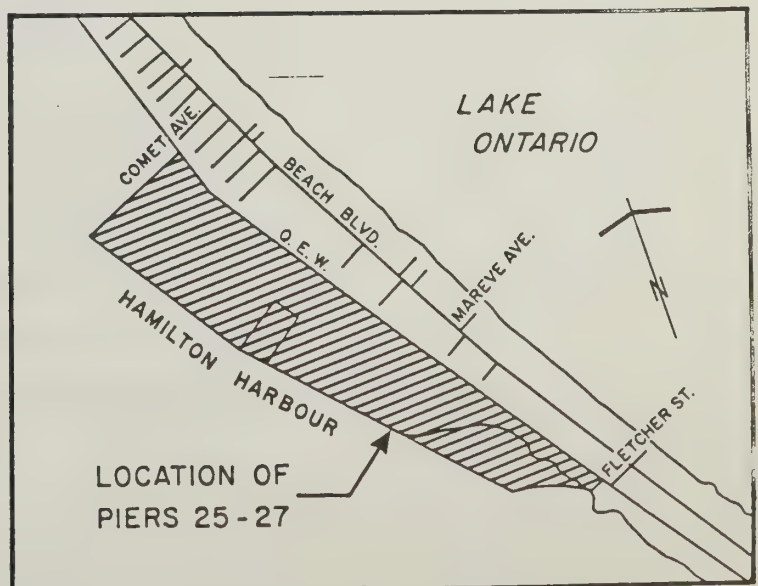
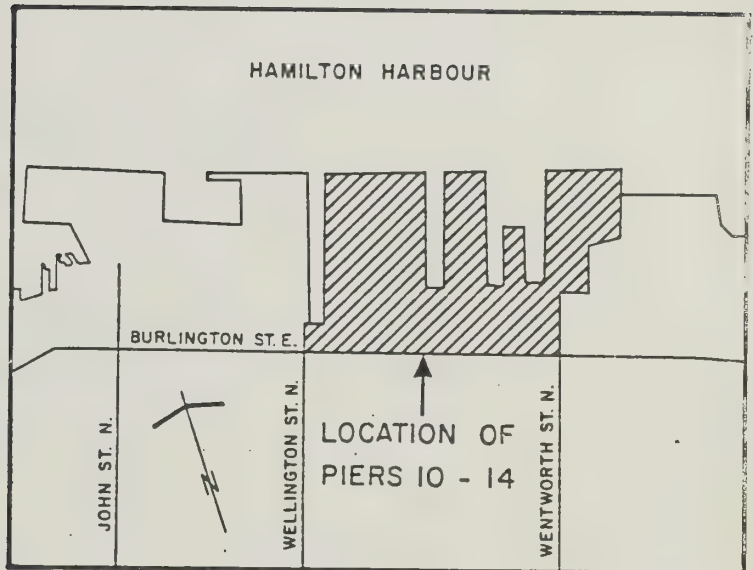
Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

7. That By-law 83-239 be amended to incorporate the text changes as set out under By-law 83-258 and 84-179, and By-law 83-258 and 84-179 be repealed.

CONCLUSION

That the Official Plan, and By-law No. 83-239 be amended to incorporate the foregoing changes, as per the attached APPENDIX "B".

PDM/ma
WPCI90B



SECTION 12C - "F-3" DISTRICT

(Harbour Use)

12C (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-3" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following:

A. Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, the following uses are permitted:

(a) PUBLIC USES

1. Offices of the Hamilton Harbour Commissioners.

(b) COMMERCIAL USES

	S.I.C. <u>Classification</u>
1. Shipbuilding and Repair Industry	3271
2. Boatbuilding and Repair Industry	3281
3. Freight and Passenger Water Transport Industry	4541
4. Ferry Industry	4542
5. Marine Towing Industry	4543
6. Ship Chartering Industry	4544
7. Other Water Transport Industries	4549
8. Marine Cargo Handling Industry	4551
9. Harbour and Port Operation Industry	4552
10. Marine Salvage Industry	4553
11. Piloting Service, Water Transport Industry	4554
12. Marine Shipping Agencies Industry	4555
13. Other Service Industries Incidental to Water Transport	4559
14. Grain Elevator Industry	4711
15. Refrigerated Warehouse Industry	4791
16. Other Storage and Warehousing Industries, n.e.c.	4799

(c) OTHER USES

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

B. *In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:*

(a)	PUBLIC USES	S.I.C.
		<u>Classification</u>
1.	Labour Organizations	9841
(b)	COMMERCIAL USES	
1.	General Freight Trucking Industry	4561
2.	Used Goods Moving and Storage Industry	4562
3.	Bulk Liquids Trucking Industry	4563
4.	Dry Bulk Materials Trucking Industry	4564
5.	Forest Products Trucking Industry	4565
6.	Other Truck Transport Industry	4569
7.	Freight Forwarding Industry	4592
8.	Other Service Industries Incidental to Transportation, n.e.c.	4599
9.	Grain Elevator Industry	4711
10.	Refrigerated Warehousing Industry	4791
11.	Other Storage and Warehousing Industries, n.e.c.	4799
12.	Other Products n.e.c., Wholesale limited to:	5999
	i) Ship Chandlers	
13.	Customs Broker	7794
14.	Restaurants, Licensed	9211
15.	Restaurants, Unlicensed	9212
16.	Take-Out Food Services	9213
17.	Caterers	9214
18.	Taverns, Bars and Night Clubs	9221

(c) INDUSTRIAL USES

- | | | |
|----|---|------|
| 1. | Cereal Grain Flour Industry | 1051 |
| 2. | Prepared Flour Mixes and Prepared Cereal Foods Industry | 1052 |
| 3. | Feed Industry | 1053 |

(d) ACCESSORY USES

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

- (2) Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE where not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) Height requirement:

1. No building or structure shall exceed 14.0 metres in height.

b) Area requirements:

1. There shall be provided and maintained upon the same lot or tract of land and within the F-3 District for every building or structure,
 - i) a front yard having a depth of not less than 6.0 metres;
 - ii) side yards having a width of not less than 10% of the greatest width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
 - iii) a rear yard having a depth or not less than 4.5 metres.

(c) Intensity of Use requirements:

1. Every lot or tract of land shall have,
 - i) a lot width of not less than 30.0 metres;
 - ii) a lot area of not less than 1,100.0 square metres.

(d) Lot Coverage requirement:

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) Landscape requirements:

1. There shall be provided and maintained on the same lot or tract of land and within the "F-3" District,
 - i) a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line;
 - ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line;
 - iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(f) Storage requirements:

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting "A" District.

(3) Every sign referred to in subclause 2 of clause B.(d) shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

SECTION 12D - "F-4" DISTRICT

(Waterfront Services)

- 12D (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-4" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following:

A. Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, the following uses are permitted:

(a) PUBLIC USES

1. Offices of the Hamilton Harbour Commissioners.

(b) COMMERCIAL USES

	S.I.C. Classification
1. Shipbuilding and Repair Industry	3271
2. Boatbuilding and Repair Industry	3281
3. Freight and Passenger Water Transport Industry	4541
4. Ferry Industry	4542
5. Marine Towing Industry	4543
6. Ship Chartering Industry	4544
7. Other Water Transport Industries	4549
8. Marine Cargo Handling Industry	4551
9. Harbour and Port Operation Industry	4552
10. Marine Salvage Industry	4553
11. Piloting Service, Water Transport Industry	4554
12. Marine Shipping Agencies Industry	4555
13. Other Service Industries Incidental to Water Transport	4559
14. Grain Elevator Industry	4711
15. Refrigerated Warehouse Industry	4791
16. Other Storage and Warehousing Industries, n.e.c.	4799

(c) OTHER USES

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

B. *In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:*

(a) PUBLIC USES		S.I.C. Classification
1.	Labour Organizations	9841
(b) COMMERCIAL USES		
1.	General Freight Trucking Industry	4561
2.	Used Goods Moving and Storage Industry	4562
3.	Bulk Liquids Trucking Industry	4563
4.	Dry Bulk Materials Trucking Industry	4564
5.	Forest Products Trucking Industry	4565
6.	Other Truck Transport Industry	4569
7.	Freight Forwarding Industry	4592
8.	Other Service Industries Incidental to Transportation, n.e.c.	4599
9.	Grain Elevator Industry	4711
10.	Refrigerated Warehousing Industry	4791
11.	Other Storage and Warehousing Industries, n.e.c.	4799
12.	Petroleum Products, Wholesale	5111
13.	Other Products n.e.c., Wholesale limited to:	5999
	i) Ship Chandlers	
14.	Customs Broker	7794
15.	Restaurants, Licensed	9211
16.	Restaurants, Unlicensed	9212
17.	Take-Out Food Services	9213
18.	Caterers	9214
19.	Taverns, Bars and Night Clubs	9221

(c) INDUSTRIAL USES

1.	Cereal Grain Flour Industry	1051
2.	Prepared Flour Mixes and Prepared Cereal Foods Industry	1052
3.	Feed Industry	1053
4.	Vegetable Oil Mills (Except Corn oil)	1061
5.	Cane and Beet Sugar Industry	1081
6.	Chewing Gum Industry	1082
7.	Sugar and Chocolate Confectionary Industry	1083
8.	Tea and Coffee Industry	1091
9.	Dry Pasta Products Industry	1092
10.	Potato Chip, Pretzel and Popcorn Industry	1093
11.	Malt and Malt Flour Industry	1094
12.	Other Food Products Industries, n.e.c.	1099
13.	Soft Drink Industry	1111
14.	Distillery Products Industry	1121
15.	Brewery Products Industry	1131
16.	Wine Industry	1141
17.	Hydraulic Cement Industry	3521
18.	Redi-mix Concrete Industry	3551
19.	Other Petroleum and Coal Products Industry	3699

(d) ACCESSORY USES

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

(e) EXISTING USES

Any use existing as of July 31, 1984, except RESIDENTIAL USES.

- (2) Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE where not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) Height requirement:

1. No building or structure shall exceed 37.0 metres in height.

b) Lot Coverage requirements:

1. Subject to paragraph 2, lot coverage of all buildings and structures shall not exceed 85% of the lot area.
2. Where a side lot line or rear lot line abuts a residential district, no building or structure shall be situated nearer to any such side lot line or rear lot line than 4.5 metres.

- (3) Every sign referred to in subclause 2 of clause B.(d) shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: FEBRUARY 21, 1990

COMM FILE:

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DEPT. FILE: P5-2-50

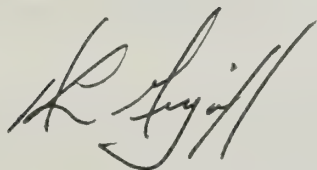
SUBJECT

Requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

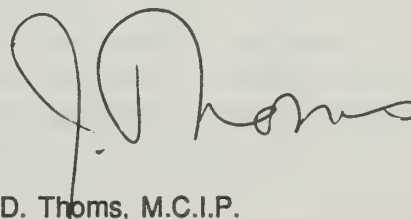
RECOMMENDATION

That the walkway between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood remain open and the Neighbourhood plan not be changed (Map 1).

That the Transport and Environment Committee be informed of the recommendation.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- The walkway was approved in the 1969 Neighbourhood Plan and was constructed as part of the original subdivision in 1972.
- The Transport and Environment Committee requested initiation of the walkway closure. Since the closure involves a Neighbourhood Plan amendment, a public meeting was needed to discuss the change.

- A report was prepared by the Planning and Development Department (dated November 21, 1988) outlining the proposed walkway closure and recommending a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting on November 30, 1988.
- A public meeting was held on January 25, 1989 to discuss the proposed walkway closure. As a result of a request for submissions, the following were received (Map 2).

For removing the walkway:

1. Mr. and Mrs. G. Pollock, 103 Gardiner Drive
2. Mr. and Mrs. J. Hunse, 356 Gardiner Drive

A petition with 255 signatures.

For retaining the walkway:

1. Mr. A. Matheson, 41 Glamis Court
2. The G. Schaven Family, 70 Gardiner Drive
3. Mr. and Mrs. J. Rudy, 116 Gardiner Drive
4. Mr. and Mrs. W. Lyne, 340 Cranbrook Drive
5. Mr. and Mrs. J. Holota, 364 Cranbrook Drive
6. Mr. and Mrs. D. Burroughs, 373 Cranbrook Drive
7. Mr. O. Gerle, 381 Cranbrook Drive

A petition with 203 signatures.

The owners adjacent to the walkway have complained about nuisance from the walkway including:

1. Litter and debris on the walkway and lack of clearance.
2. Vandalism including removal of shrubs and flowers.
3. Noise and verbal abuse from people using the walkway.
4. Use by prohibited vehicles, e.g. snowmobiles, motorcycles.
5. Damage to vehicles whose doors are opened on to the walkway fence.

Residents, particularly from Cranbrook Drive are concerned about the loss of the walkway because:

1. The walkway provides better access from Cranbrook Drive and residents south of the walkway to Gilkson Park and Schools (R. A. Riddell and St. Catherine of Siena).

2. The walkway provides better access from the area north of Cranbrook to the commercial area at Stone Church Road and Upper Paradise and to the Separate Secondary School in the neighbourhood to the south.
3. More pedestrians will use the private townhouse development to the west as a short cut.

The following are available on request:

1. Planning and Development report dated November 21, 1988.
2. Minutes of the public meeting of January 25, 1989.
3. Submissions and petitions from the public meeting.

ANALYSIS

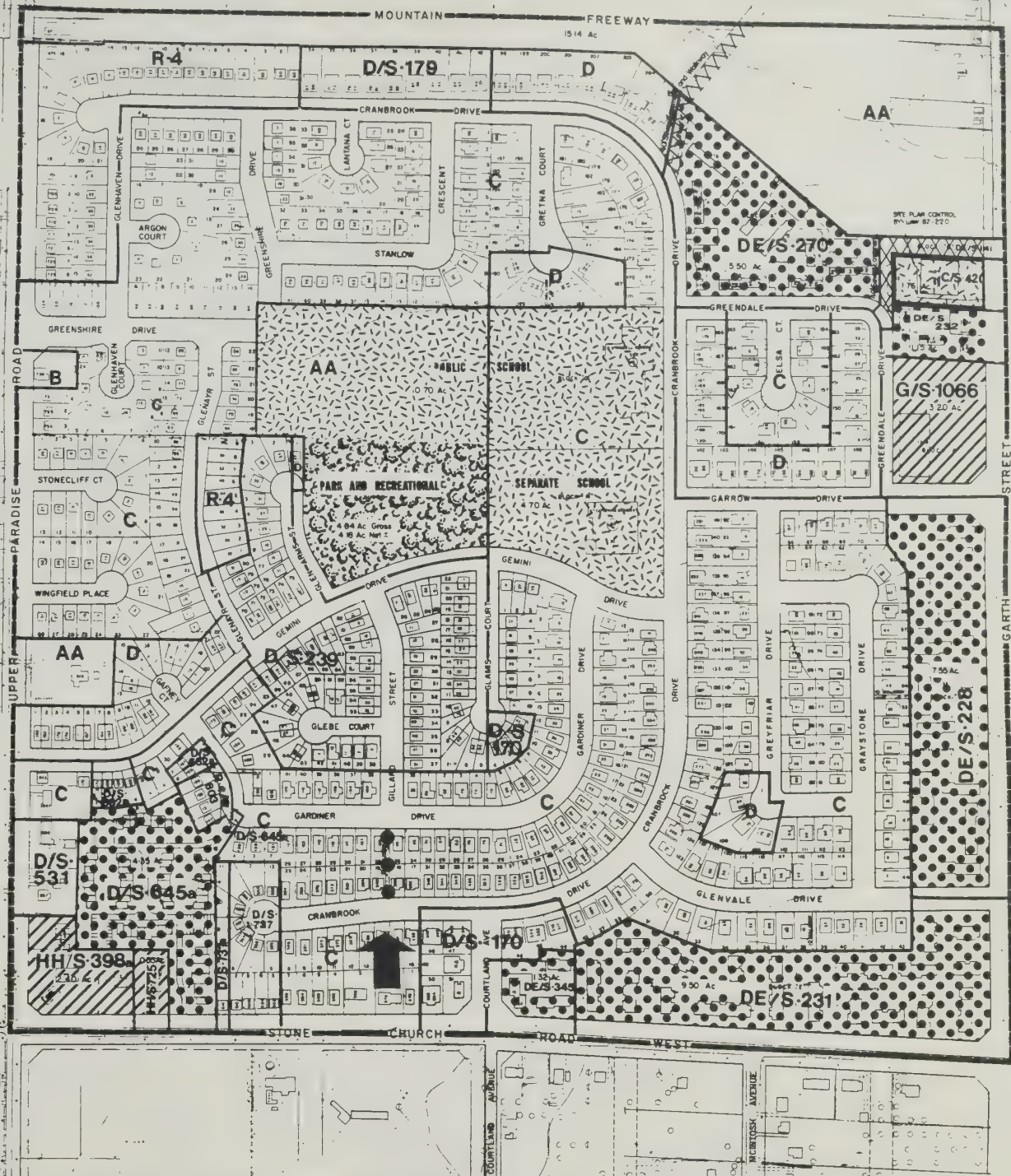
The walkway is an important pedestrian link within the neighbourhood. For example, closure would mean a diversion of an additional 1,200 feet for residents who walk or bicycle from the west end of Cranbrook Drive to reach the Neighbourhood park and neighbourhood schools.

In terms of design, the walkway is narrow (10 feet wide although encroachments have reduced this to 5 feet). This discourages loitering although nuisance from noise may still occur. Privacy and vandalism can be discouraged by fencing. Erection of barriers to prevent use of illegal vehicles is opposed by the Public Works Department as they require free access to clear snow. Litter and debris continue to be a problem although the City is responsible for this. It may be appropriate to appoint a residents committee to alert the Public Works Department if any problem occurs. The walkway has existed both in plans and on site for many years. People moving into the neighbourhood were aware of its presence and could have expected it to remain. Removing the amenity would cause inconvenience to many residents. The schools have already been approached and are unwilling to 'adopt' the walkway.

CONCLUSION

The walkway provides a convenient and safe pedestrian movement and is an attractive feature of the neighbourhood. Nuisance from users on adjoining residents could be minimized by forming a committee of interested residents.

D.G.:ND
A:\GILKSON



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

● ● ● REQUESTED WALKWAY CLOSURE

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee OCT. 3, 1968 Council MAY 24, 1969

Latest Revision Date NOVEMBER 29, 1968

CITY OF HAMILTON
PLANNING DEPARTMENT

GILKSON
APPROVED PLAN

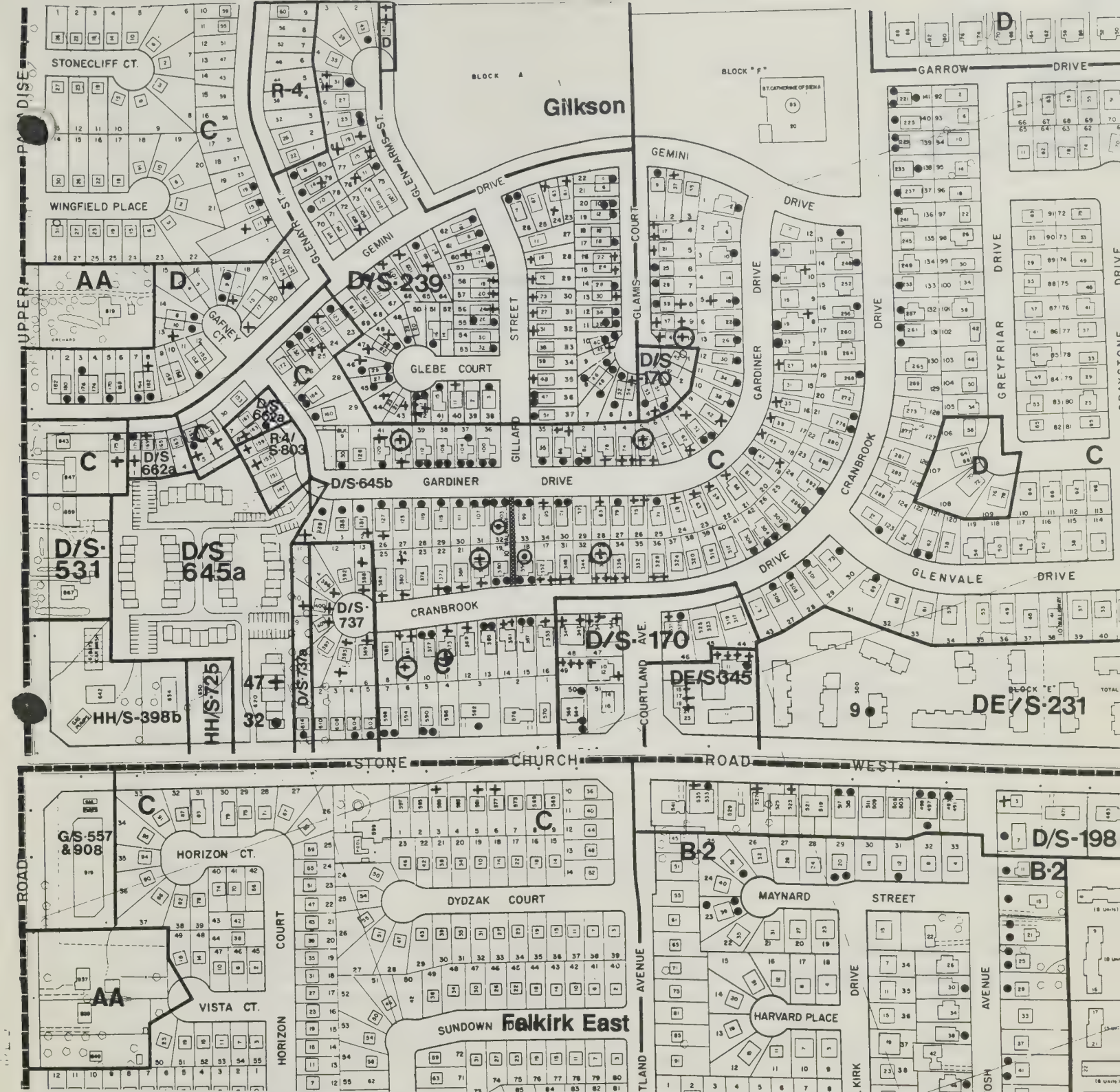


0 100 m
SCALE 50 m

MAP 1

EXISTING POPULATION (1988) 3609

50



LOCATION OF PETITION AND SUBMITTEES

- Petitioners - support walkway closure 225
 - + Petitioners - opposed walkway closure 203
 - ⊙ Submittees - support walkway closure 1 to 2 (2)
 - ⊕ Submittees - oppose walkway closure 3 to 9 (7)
- Location of walkway

SUBMITTEES

1	Mr. & Mrs. G. Pollock	103 Gardiner Drive
2	Mr. & Mrs. J. Hunse	356 Gardiner Drive
3	Mr. A. Matheson	41 Glamis Court
4	The G. Shaven Family	70 Gardiner Drive
5	Mr. & Mrs. J. Rudy	116 Gardiner Drive
6	Mr. & Mrs. W. Lyne	340 Cranbrook Drive
7	Mr. & Mrs. J. Holota	364 Cranbrook Drive
8	Mr. & Mrs. D. Borroughs	373 Cranbrook Drive
9	Mr. O. Gerle	381 Cranbrook Drive

Proposed Walkway Closure

for

GILKSON
neighbourhood



FOR ACTION**REPORT TO:**

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 26, 1990

COMM. FILE:

DEPT. FILE: ZA-87-84

Ryckmans
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amendment to By-law No. 88-135 - Nos. 1489-1545 Upper James Street.

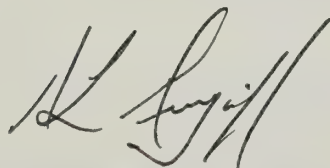
RECOMMENDATION

That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front and rear property lines, for the lands municipally known as Nos. 1489-1545 Upper James Street, as shown on the attached map marked as APPENDIX "A".

EXPLANATORY NOTE:

The purpose of this by-law is to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A", for lands municipally known as Nos. 1489-1545 Upper James Street, as shown on the attached map.

The effect of this by-law is to correct the dimensions for the front and rear lot lines which were incorrectly shown. It should be noted, that the new Schedule will be consistent with the properties stipulated in the text of By-law No. 88-135 and will not result in an extension of the zoning boundary.



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

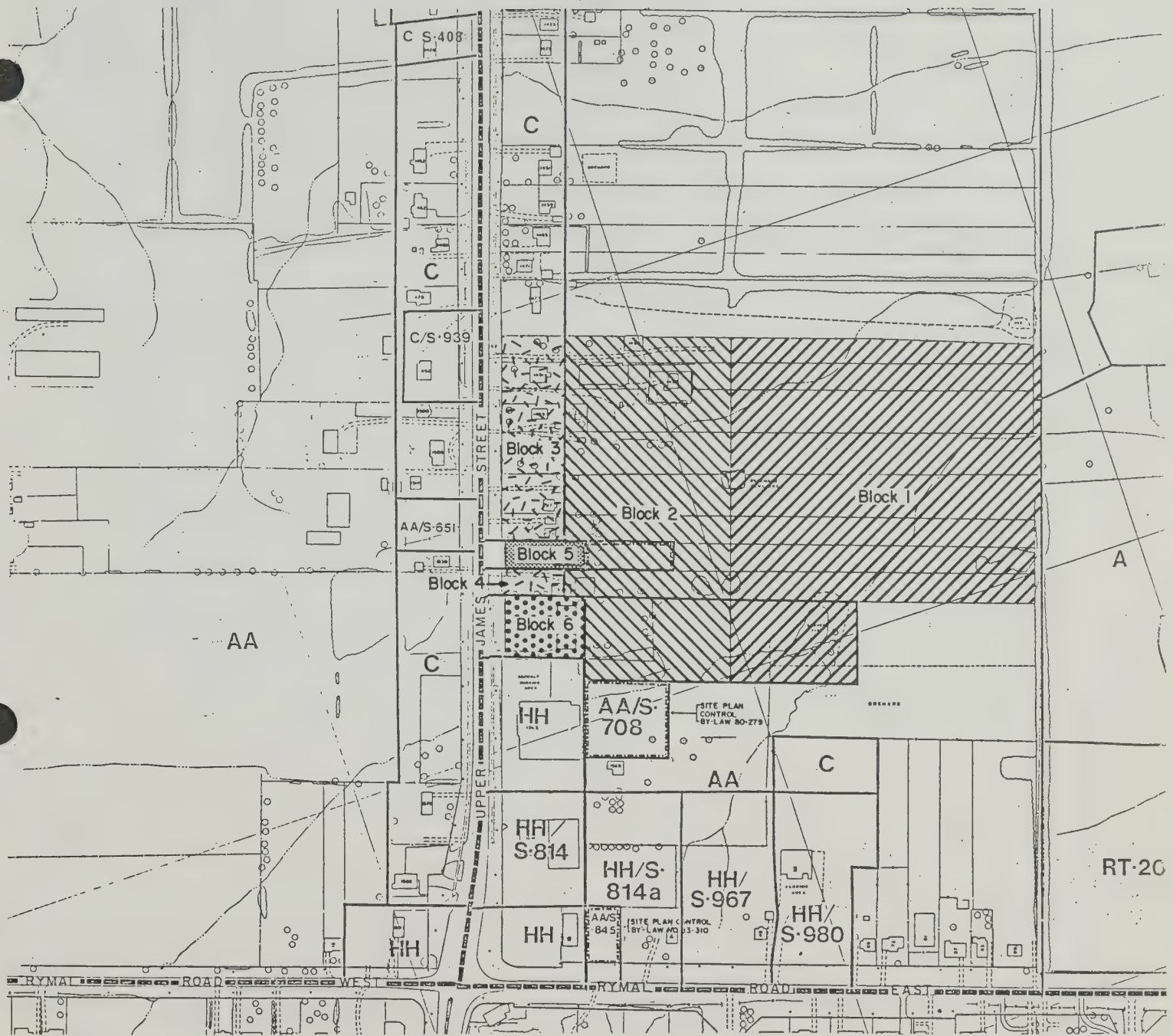
During a search of By-law No. 88-135, it was discovered that two dimensions were incorrectly shown on Schedule "A". The front lot line dimension should have been 236.07 m whereas 227.23 m was contained on the Schedule. Similarly, the rear lot line dimension was supposed to be 134.20 m instead of 115.73 m.

To ensure that the dimensions correspond to the municipal addresses set out in the text of the by-law, it is appropriate to delete the existing Schedule "A" of By-law No. 88-135 and replace it with a revised schedule. It should be noted, that the new schedule will not result in an extension of the zoning boundaries as approved by the Planning and Development Committee and Council.

CONCLUSION



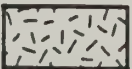


Based on the foregoing, it is appropriate to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A".

JHE/ma
WPZA8784



LEGEND

Lands for which the following changes in zoning are proposed:

- | | | |
|--------------|---|--|
| Block 1 |  | From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. |
| Block 2 |  | From "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified. |
| Blocks 3 & 4 |  | From "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified. |
| Block 5 |  | From "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified. |
| Block 6 |  | From "HH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified. |



CA 40NMBL A05-
C51P4

Urban Municipal Librarian
Central Library



K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1990 April 6th

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1990 March 7th.

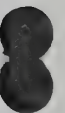
These minutes were approved by the Committee at its meeting held Wednesday, 1990 April 4th.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch.

c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods



Wednesday, 1990 March 7
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman D. Drury
Alderman M. Kiss
Alderman H. Merling
Alderman D. Christopherson
Alderman D. Ross

Regrets: Alderman F. Lombardo, Vice-Chairman - Family
Business

Also present: Alderman B. Hinkley
Alderman D. Agostino
Mr. A. Georgieff, Director of Local Planning
Mr. J. Swartz, Regional Planning Department
Mr. D. Pickard, Building Department
Mr. P. Lampman, Building Department
Mr. D. Kelterborn, Hamilton Board of Education
Mr. B. Allick, Building Department
Mr. M. Watson, Real Estate Division, Property
Department
Mr. K. Brenner, Regional Engineering Department
Mr. D. Powers, City Solicitor's Office
Mr. D. Vyce, Director of Property
Mrs. N. Chapple, Architectural Historian,
L.A.C.A.C., Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Mallard, Planning Department
Mr. P. Baker, General Manager, Parking Authority
Mr. D. Godley, Planning Department
Ms. C. Baggio, Mohawk College Student
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held
Wednesday, 1990 February 7 and approved these minutes.

The Committee was in receipt of a report from the Building Commissioner
dated 1990 March 1, respecting Demolition Permit Applications.

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition
permits for the following properties:

- (a) 240 Quigley Road
- (b) 244 Quigley Road

The Committee was in receipt of a report from the Building Commissioner
dated 1990 February 21, respecting the 1990 Annual Conference of the
Ontario Association of Committees of Adjustment.

The Committee approved the following:

That two members of the Committee of Adjustment be authorized to
attend the 1990 Annual Conference of the Ontario Association of
Committees of Adjustment and Consent Authorities to be held for 3
days in June in Sault Ste. Marie, Ontario at an expense not
exceeding \$1,000. each to be charged to Account No. CH 55201
10010, Legislative Travelling.

Minutes - 1990
February 7th.

Demolition Permit
Applications.

1990 Annual Conference -
Ontario Association of
Committees of
Adjustment.

Demolition -266-280
King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 1, respecting demolition for property at 266-280 King Street East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 February 28, respecting demolition permit for property at 270-280 King Street East.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1990 February 28, respecting demolition of property at 260 King Street East.

The Committee then approved the following:

That no demolition permit be issued for the properties located at 270-280 King Street East until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with S33(6) of the Planning Act.

NOTE: City Council at its meeting held Tuesday, 1989 July 25 approved Section 13 of the Seventeenth Report for 1989 of the Planning and Development Committee which also applied the conditions of the Demolition Control By-laws on the properties located at 266-268 King Street East. Both applications will, however, have to be approved by the Planning and Development Committee, under the provisions of the Rental Housing Protection Act, as the upper floors of 266-268 and 270-280 serve a residential use.

Proposed Draft Plan
of Condominium - west
side of Quigley Road,
south of Albright
Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 23, respecting Proposed Draft of Condominium for property located at the west side of Quigley Road, south of Albright Road.

The Committee approved the following:

That approval be given to Proposed Draft Plan of Condominium Application SA-89-34, "Krystle Manor" Nestex Developments Ltd., owner, to establish a draft plan of condominium located at the west side of Quigley Road, south of Albright Road, subject to the following conditions:

- (a) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1989 November 29.
- (b) That the plan be revised to show modifications as required for truck manoeuvring.
- (c) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Resolution - Cambridge -
Mandatory attendance
at L.A.C.A.C.
Technical Workshops.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 February 28, respecting resolution by Cambridge City Council - mandatory attendance at L.A.C.A.C. Technical Workshops.

The Committee approved the following:

- (a) That the City of Hamilton endorse the resolution, as shown on the attached marked as Appendix "A", adopted by Cambridge City Council respecting mandatory attendance at L.A.C.A.C. Technical Workshops; and,
- (b) That a copy of City Council's endorsement of this resolution be forwarded to Ms. Mary Lou Evans, L.A.C.A.C. Advisor, Ministry of Culture and Communications:

NOTE: The Cambridge resolution requests the reduction in the number of L.A.C.A.C. members required to attend the Ministry of Culture and Communications' Technical Workshops from three to one. Currently a minimum of 3 L.A.C.A.C. members must attend these Workshops in order for the Municipality to qualify for the Provincial Designated Property Grant Programme.

The Committee was in receipt of a report from the Director of Property dated 1990 February 15, respecting Release of Building Covenants for property at 1276 Stone Church Road East.

Release of Building
Covenants - 1276 Stone
Church Road East.

The Committee approved the following:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to Shurguard Mini Storage (Hamilton) Inc., owner, of 1276 Stone Church Road East, to release the property from construction covenants to the City as contained in Deed Instrument 463048 C.D. registered on 1988 June 28.

The Committee was in receipt of a report from the Director of Property dated 1990 February 28, respecting Release of Building Covenants for property at 1154 Rymal Road East.

Release of Building
Covenants - 1154
Rymal Road East.

The Committee approved the following:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 1154 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument 193509 L.T. and 193510 L.T., registered on 1987 July 30.

The Committee was in receipt of a report from the Director of Property and Co-Ordinator of Lloyd D. Jackson Square dated 1990 February 28, respecting Proposed Expansion of Retail Space - Lloyd D. Jackson Square York Boulevard Frontage - Restaurant and Health Club.

Proposed Expansion of
Retail Space - Lloyd
D. Jackson Square -
York Blvd. Frontage -
Restaurant and
Health Club.

The Committee approved the following:

- (a) That the Corporation of the City of Hamilton enter into a Lease Amending Agreement dated 1990 February 24, with Second Phase Civic Square Limited, Yale Properties Ltd., and Greater Hamilton Developers Limited in the form attached hereto as Appendix "B", which amends the Ground Lease between the City, Second Phase and Yale dated 1975 November 19, and registered on 1976 August 16, and grants formal approval to Second Phase, Yale and Greater Hamilton to their proposed plans to alter the Improvements as defined in the Ground Lease by expanding same over a portion of Additional Lands (situated on the south side of York Boulevard between Copps Coliseum and the Central Library) to create retail space to house a restaurant at grade level and a health club at the basement level and that the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

By entering into this Agreement, the City in its capacity as Lessor under the Ground Lease hereby grants its approval:

- (i) To the plans and drawings of the said alterations and expansion of the retail space contemplating the creation of an additional building coverage of 13,987 square feet to house a restaurant and health club;
- (ii) To the construction of the alterations in accordance with the said plans and the Ground Lease, provided the improvements are not commenced until the Agreement is fully executed and registered;
- (iii) To the changes to the external appearance of the Improvements resulting from the expansion of the retail space;

- (iv) To diminish the area of Publicly Useable Open Space of Second Phase by 6,500 square feet, to provide a new plan showing the revised Publicly Useable Open Space and to increase the Net Rentable Area of the Improvements of Second Phase by 13,987 square feet.
- (b) That the Ground Rent payable by Second Phase and Yale to the City of Hamilton in accordance with the terms of the Ground Lease be increased by \$6,713.76 per annum as a result of the expansion of the retail space by 13,987 square feet.
- (c) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 13, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "C" with Second Phase Civic Square Limited for the purpose of the City granting to Second Phase an easement to enter onto and use the truck route (Part 1, 62R-8136) beneath Copps Coliseum as a right-of-way for vehicular access only in a one way direction for the purpose of providing access to the loading dock of Second Phase adjacent to the new restaurant/health club. The easement will be enjoyed and used during the balance of the term of the Ground Lease to Second Phase less one day, namely commencing on the date hereof and ending on 2069 October 30. The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users. It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.
- (d) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 8, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "D" with Fourth Phase Civic Square Limited for the purpose of the City granting to Fourth Phase an easement to enter onto and use the truck route (Part 1, 62R-8136) beneath Copps Coliseum as a right-of-way for vehicular access only in a one-way direction for Fourth Phase and its suppliers to have access to its truck loading dock. Furthermore, the City agrees that the Lessee shall have the right to have cars exit from Fourth Phase's existing parking garage exit door into the truck route for egress to York Boulevard. The City and Fourth Phase agree that when it is mutually determined by the City and Fourth Phase that there is an unusual problem in the truck route (such as security, excessive traffic, Copps Coliseum shows, etc.) the said parking garage exit door will be closed temporarily to prohibit cars from exiting into the truck route.

The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users.

Fourth Phase agrees that it does not have vehicular access easement rights over lands used by Copps Coliseum for its loading dock and parking area. (Parts 2 and 3, Plan 62R-8136).

- (e) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 12, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "E" with Second Phase Civic Square Limited for the purpose of granting to the City an easement to enter onto and use a portion of land leased to Second Phase (Part 4, Plan 62R-8136) as a right-of-way for vehicular access only in a one way (east to west) direction. The vehicular access route is to be used for trucks and other vehicles delivering or removing goods to and from the City's Library/Farmer's Market Complex.

The easement will be enjoyed and used during the term of the Ground Lease to Second Phase less one day namely, commencing on the date hereof and ending on 2069 October 30.

It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.

- (f) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 26, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "F" with Second Phase Civic Square Limited for the purpose of the City granting to Second Phase an easement to enter onto and use the truck route along the rear of the Library/Farmer's Market Complex as a right of way for vehicular access only in a one way direction commencing at the easterly limit of the City's truck route and continuing along the route to connect with the Second Phase truck route for the purpose of using a loading dock or docks which may abut the Second Phase truck route in the future. The easement will be enjoyed and used during the balance of the term of the Ground Lease to Second Phase less one day, namely commencing on the date hereof and ending on 2069 October 30. The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users. It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.

Mr. D. Powers of the City Solicitor's Office advised the Committee that a few of the schedules needed on this matter had not been included in the staff report to the Committee, but that these schedules will be sent to Council as well as a few minor housekeeping changes in the Appendices.

Mr. Milligan, Solicitor for Yale Properties was in attendance at the meeting with respect to the proposed expansion of retail space at Jackson Square. Members of the Committee requested Mr. Milligan to provide them with an update on the status of the closed skating rink and Mr. Mulligan responded that lease arrangements with the Y.W.C.A. for a Day-Care in that spot are presently being worked on.

The Committee then adjourned and reconvened in City Hall Council Chambers for the purpose of hearing Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 23, respecting Zoning Application 89-116, for property at 81 Myrtle Avenue.

Report of the circularization was given as follows:

258 notices sent	9 in favour	10 opposed
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The staff recommendation was for DENIAL for the following reasons:

- (a) It represents an intrusion of a two-family dwelling into an area primarily occupied by single-family dwellings;
- (b) It is an overintensification of land use, in that the subject property does not meet the minimum frontage requirements (8.2m is available, whereas the Zoning By-law requires 12.0m), nor the minimum lot area provisions for conversion to a two-family dwelling (238.3 m² is provided on the subject property, whereas the Zoning By-law requires 270 m²);
- (c) Two off street parking spaces are required, whereas it appears that only one can be provided on site; and,
- (d) Approval of the Application would set an undesirable precedent and would encourage other similar applications, which if approved would undermine the intent of the By-law and change the character of the neighbourhood.

Jackson Square Ice
Rink - Conversion to
Day Care.

Zoning Applications.

ZA89-116 - 81 Myrtle
Avenue.

Mr. Peter Schaller, owner of the property spoke to the Committee and indicated that discussions with his neighbours have revealed that there are many duplexes and triplexes existing in this area. He added that there is a rental shortage and that this type of accommodation meets that need. Mr. Schaller also spoke on the parking and indicated that one car can be parked in the garage, one in the front of the lawn and two in the back. The Planning staff commented that the two spots in the back would be stacked parking and that this is illegal.

Staff also advised that front yard parking is not considered as suitable for one of the "required" parking spots specified in a Zoning By-law.

Considerable discussion ensued on this matter and the Committee APPROVED this application as follows:

That approval be given to Zoning Application 89-116, Peter and Anneliese Schaller, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at 81 Myrtle Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 19(vi) of Zoning By-law No. 6593, a two-family dwelling shall be permitted having a minimum lot area of 238.0 m²;
 - (ii) That notwithstanding the requirements of Section 18A of Zoning By-law No. 6593, a minimum of two parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1165, and the subject lands on Zoning District Map E-23 be notated S-1165;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-23 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for property located at 81 Myrtle Avenue.

The effect of the By-law is to legalize the existing two-family dwelling and require a minimum of two parking spaces on-site.

Subdivision Application
89-14 - south of
Mud Street and
west of Upper Mount
Albion Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting Subdivision Application 89-14, for property located south of Mud Street and west of Upper Mount Albion Road, and Zoning Application 89-80, for property on the south side of Mud Street and west of the City Limits.

The Committee approved the following:

- (a) That approval be given to Proposed Draft Plan of Subdivision Application SA-88-14, Valery Construction Ltd., owner, to establish a draft plan of subdivision, located south of Mud Street and west of Upper Mount Albion Road, subject to the following conditions:

- (i) That approval apply to the area of the plan within the City of Hamilton, as prepared by Ashenhurst Nouwens Limited, dated 1989 January 24, revised to show a cul-de-sac bulb at the location of the future closing of Mud Street and probable realignment of Lots 1 to 4 inclusive.
 - (ii) That the streets within the City of Hamilton be dedicated to the City as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton.
 - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (viii) That Block "81" be set aside for future development.
 - (ix) That the Subdivision Agreement make specific provision that building permits will not be available for lots fronting onto or having direct access to Mud Street, until such time as Mud Street is realigned to the south.
 - (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-14), Valery Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to amended Zoning Application 89-80, C. Valery Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit small lot single-family dwellings, for property located on the south side of Mud Street and west of the City Limits, as shown on the attached map marked as Appendix "H", on the following basis:

Zoning Application
89-80 - south side
of Mud Street and
west of the City limits.

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council; and,
- (c) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located on the south side of Mud Street and west of the City Limits.

The effect of the By-law is to permit small lot single-family development in conjunction with the adjacent lands to the south in the City of Stoney Creek.

City Initiative 89-I -
207, 209, 211 Hughson
Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting City Initiative 89-I, for properties located at 207, 209 and 211 Hughson Street North.

Report of the circularization was given as follows:

696 notices sent	30 in favour	6 opposed
------------------	--------------	-----------

A resident of the area requested information on the features which would be contained in the development.

The Committee then approved the following:

- (a) That approval be given to City Initiative 89-I, The Parking Authority for the City of Hamilton, owner, requesting a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North, as shown on the attached map marked as Appendix "I", on the following basis:
 - (i) That the subject lands be rezoned from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
 - (ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C(3) of Zoning By-law No. 6593 only the following provisions shall apply:
 - (a) That a minimum 1.5 m wide landscaped strip be provided and maintained along the southerly side lot line;
 - (b) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the southerly side lot line;
 - (c) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).

- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1167, and that the subject lands on Zoning District Map E-3 be notated S-1167;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (vi) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".
- (b) That the Amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North.

The effect of the By-law is to permit a municipal parking lot.

In addition, the By-law provides for the following variances as special requirements:

- (i) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the southerly side lot line;
- (ii) To require a visual barrier not less than 1.2 m in height nor more than 2.0 m in height to be provided and maintained along the southerly side lot line; and,
- (iii) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting Zoning Application 89-134, for property at 25 Redmond Drive and 549 Stone Church Road East.

Zoning Application
89-134 - 25 Redmond
Drive and 549 Stone
Church Road East.

The Committee approved the following:

That approval be given to Zoning Application 89-134, Hamilton General Homes (1971) Ltd., owner, requesting a further modification to the "G-4" (Designed Shopping Centre) District regulations, to add a video store and gift shop to the list of permitted uses under the "G-4" District, for the properties located at 25 Redmond Drive and 549 Stone Church Road East, as shown on the attached maps marked as Appendixes "J" and "K", on the following basis:

- (a) That By-laws 88-267 and 89-326 be repealed in their entirety.
- (b) That Block "1", as shown on Appendix "K", be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Centre) District;
- (c) That Block "2", as shown on Appendix "K", be rezoned from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District;

- (d) That the "G-4" (Designed Neighbourhood Shopping Centre) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to Blocks "1" and "2", as shown on Appendix "K", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D(1)B, the following additional commercial uses shall be permitted:
 - (1.) video store;
 - (2.) gift shop.
 - (ii) That notwithstanding Section 13D(1)B, the following commercial uses shall be prohibited:
 - (1.) restaurant or refreshment room with or without any dancing or other entertainment including music;
 - (2.) outdoor patio.
 - (iii) That notwithstanding clause b), the following commercial use shall be permitted within the existing building located at 549 Stone Church Road East, shown as Block "1" on Appendix "K";
 - (1.) restaurant excluding a refreshment room without any dancing or other entertainment except music.
 - (iv) That Section 13D(5) shall not apply.
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166, and that the subject lands on Zoning District Map E-27C be notated S-1166;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to repeal By-laws 88-267 and 89-326 applicable to the subject lands, and to provide for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District, modified, for the properties located at 25 Redmond Drive and 549 Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a neighbourhood shopping centre.

In addition, the by-law provides for the following variances:

- (a) To permit a video store and gift shop in addition to the permitted uses in the "G-4" District;
- (b) To prohibit a restaurant or refreshment room with or without any dancing or other entertainment including music, and an outdoor patio.
- (c) To allow a restaurant (excluding a refreshment room) without any dancing or other entertainment except music, only within the existing stone house at 549 Stone Church Road East;
- (d) The provisions for maximum lot depth and maximum lot area shall not apply.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 20, respecting Zoning Application 89-91, for property at the north-west corner of Rymal Road East and Upper Wentworth Street.

Zoning Application
89-91 - north-west
corner of Rymal Road
East and Upper
Wentworth Street.

The staff recommendation was for DENIAL of this application for the following reasons:

- (a) It conflicts with the established policy of City Council for this property which restricts the range of "G-1" (Designed Shopping Centre) District uses. In this regard, a previous application requesting the addition of the same uses was denied by City Council on 1989 March 14; and,
- (b) The applicant has not submitted any additional or new information to justify changes to the established policy of Council.

Report of the circularization was given as follows:

15 notices sent 4 in favour 1 opposed

Mr. Parente, Solicitor for the applicant, spoke to the Committee and made reference to a letter which the Committee was in receipt of from Mr. Arthur Weisz dated 1990 February 27, expressing his support for the rezoning application.

Following considerable discussion on this matter, the Committee APPROVED the application with an amendment that a restaurant or refreshment room use not be allowed as a permitted use.

The Committee then approved the following recommendation:

That approval be given to amended Zoning Application 89-91, 822827 Ontario Inc. (A. DiSilvestro, E. Parente, and N. Zaffiro), owners, requesting a further modification to the established "G-1" (Designed Shopping Centre) District to permit additional commercial uses, for property located at the northwest corner of Rymal Road East and Upper Wentworth Street, as shown on the attached map marked as Appendix "L", on the following basis:

- (a) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 as amended by By-law No. 88-241, applicable to the subject lands, be further modified to include the following as a special provision:
 - (i) That subsection (a) of Section 2 of By-law No. 88-241 be deleted and the following substituted therefore:
 - (1.) Notwithstanding section 13A(1) of By-law No. 6593, the following

Commercial Uses shall be prohibited:
 - (a) A restaurant or refreshment room.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1087a, and the subject land on Zoning District Maps E-18D and E-18E be notated S-1087a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a further modification to the "G-1" (Designed Shopping Centre) District for property located at the northwest corner of Rymal Road East and Upper Wentworth Street.

The effect of the By-law is to permit the following additional commercial uses:

- (a) A manual car wash;
- (b) A mechanical car wash;
- (c) A coin-operated car wash;
- (d) A high-speed mechanical car wash; and,
- (e) An automobile service station.

Zoning Application
89-122 - 773 Lawrence
Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 27, respecting Zoning Application 89-122, for property at 773 Lawrence Road.

The staff recommendation was for DENIAL for the following reasons:

- (a) It conflicts with the intent of the Official Plan in that it would allow for an indiscriminate of housing types by introducing a three-family dwelling into an area which is predominately occupied by single family dwellings;
- (b) It is an overintensification of land use in that the site can not accommodate the four required parking spaces in other than the required front yard which is prohibited by the Zoning By-law and the third dwelling unit (Bachelor) has only 49.60 m² of floor area, whereas the Zoning By-law requires a minimum of 65.0 m² of floor area; and,
- (c) Approval of the application would encourage other similar applications which if approved would undermine the intent of the Zoning By-law and change the character of the area.

Report of the circularization was given as follows:

131 notices sent 8 in favour 9 opposed

Mr. David Elliot, Solicitor for Mr. Karchi, owner of the property, spoke to the Committee and outlined the reasons why this application should be approved. Mr. Elliot advised that the owner lives in the Bachelor apartment in the building. Mr. Elliot further advised the Committee that Mr. Karchi had applied to build a fourth unit and at that point had discovered that the third unit was illegal.

Some discussion also ensued on the parking spaces that would be available for this property.

The Committee was in receipt of a Letter of Opposition to this application from Mr. & Mrs. Leeson of 40 Rosedale Avenue.

The Committee then APPROVED the following recommendation:

- (a) That approval be given to Zoning Application 89-122, Ahmad Jan Karchi, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District to legalize the established three-family dwelling located at 773 Lawrence Road, as shown on the attached map marked as Appendix "M", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:

- (1.) That notwithstanding Sections 19(iii) and (vi) of By-law No. 6593 a maximum of three dwelling units shall be permitted within the building existing at the date of passing of this By-law, of which one dwelling unit shall have a minimum floor area of 49.0 m²;
- (2.) That notwithstanding the requirements of Section 18A of By-law No. 6593 a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long, shall be provided and maintained on the lot.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1164, and that the subject lands on Zoning District Map E-66 be notated S-1164;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66 for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the lands.
- (c) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at 773 Lawrence Road.

The effect of the By-law is to permit the conversion of the existing building to contain a maximum of three dwelling units.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit one of the dwelling units to have a minimum floor area of 49.0 m², whereas 65.0 m² is required; and,
- (b) To require a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long to be provided and maintained on the lot.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 1, respecting City Initiative 89-F, respecting "Townhouses" and "Maisonettes".

City Initiative 89-F -
"Townhouses" and
"Maisonettes"

The Committee approved the following:

That approval be given to City Initiative 89-F, to amend Zoning By-law No. 6593 respecting the provisions for "Townhouses" and "Maisonettes" on the following basis:

- (a) That Section 2.(2)A.(viib) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than eight single-family dwelling units but...", so that it shall read as follows:
 - "(viib) "Dwelling, Townhouse", shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

- (a) Has separate front and rear entrances or separate front and side entrances; and
 - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row;"
- (b) That Section 2.(2)A.(viic) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than sixteen single-family dwelling units, but...", and by adding "and constructed" after "designed" so that it shall read as follows:
- "(viic) "Dwelling, Maisonette" shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than six single-family dwelling units, fully attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,
- (a) Has a separate front entrance; and
 - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row; and
 - (c) Is joined by a common vertical back wall extending the length of the building."
- (c) That the "RT-10" (Townhouse) District provisions as contained in Section 10D of Zoning By-law No. 6593, be amended by adding a subsection to the following effect:

Dwelling Unit Placement

- (17) Not more than eight single-family dwelling units shall be attached in a continuous row.

- (d) That "RT-20" (Townhouse - Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (17) (a) For townhouses, not more than eight single-family dwelling units shall be attached in a continuous row.
- (b) For maisonettes, not more than sixteen single-family dwelling units shall be provided in one block, and not more than eight single-family dwelling units shall be attached in a continuous row.

- (e) That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (9) Not more than eight single-family dwelling units shall be attached in a continuous row.

- (f) That the "Floor Area Ratio" provisions as contained in subsections 10B(5) - "DE2" (Multiple Dwellings) Districts; 10C(5) - "DE3" (Multiple Dwellings) Districts; 11(5) - "E" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11A(5) - "E1" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11B(5) - "E2" (Multiple Dwellings, Lodges, Clubs, etc.) Districts and 11C(4) - "E3" (High Density Multiple Dwellings) Districts be amended by adding a special provision to the following effect:

"Except, that where a multiple dwelling has a townhouse component the "Intensity of Use" requirements for the townhouse dwelling shall be calculated separately, and the floor area ratio for the remainder of the multiple dwelling shall be adjusted."

- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by clarifying the definition and regulations for "Townhouse" and "Maisonette" dwellings.

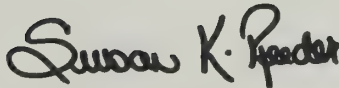
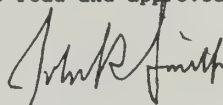
The effect of the By-law is to prohibit more than eight (8) single-family dwelling units being attached in a continuous row for a "Townhouse" and "street-townhouse" dwelling; and not more than sixteen (16) single-family dwelling units in one block, of which not more than eight (8) shall be attached in a continuous row for a "Maisonette" dwelling.

In addition, the floor area ratio provisions for the multiple dwelling districts (i.e. "DE2", "DE3", "E", "E1", "E2" and "E3") have been amended so that where a multiple dwelling is designed/constructed to contain a "Townhouse" component, the "Intensity of Use" requirements (i.e. density) for the "Townhouse" dwelling will be calculated separately, and the gross floor area for the remainder of the multiple dwelling will be adjusted accordingly.

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved.



ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 March 7

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OFFICE OF THE CITY CLERK

1990 April 12th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 April 18th
9:00 o'clock a.m.
Room 233, City Hall

A handwritten signature in cursive script that reads "Susan K. Reeder".

Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD
IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.

AGENDA

1. Minutes of the meeting held Wednesday, 1990 March 21st.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. City of Hamilton Heritage Programme - 98 James Street South, James Street Baptist Church.
4. Commercial Facade Loan Programme Increase - 355 Barton Street East.

DIRECTOR OF LOCAL PLANNING

5. Amendment to By-law No. 88-135 - 1489-1545 Upper James Street.
6. Committee of Adjustment - minor variance applications.

A large, handwritten mark in the bottom right corner of the page, resembling a stylized letter 'I' or the number '1'.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

7. Kennedy East Neighbourhood Plan Review and Zoning Application 89-125, R. and W. Stockton & J. and B. Richardson, owners, for a change in zoning from "B" to "C" for property at 63 and 67 Malton Drive; Kennedy East Neighbourhood.
8. Zoning Application 89-130, A. Cameracci, agent/owner, for a change in zoning from "AA" to "R-4" and from "C" to "R-4" for land at the rear of 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East; Butler Neighbourhood.
9. Subdivision Application 89-26 and Zoning Application 89-111, Y. Sharif, owner, for a change in zoning from "AA" to "C" and "C" modified for land at 991 Upper Paradise Road; Falkirk East Neighbourhood.

10:45 O'CLOCK A.M.

10. Zoning Application 89-114, D. S. Alvey, agent for the owner, for a change in zoning from "AA" to "R-4" for land at the rear of 1490 Upper Gage Avenue; Eleanor Neighbourhood.
11. Zoning Application 90-12, A. Miller, owner, for a change in zoning from "L-mr-1" to "C" and "D" for property at 1574 Upper Gage Avenue; Eleanor Neighbourhood.
12. Zoning Application 90-16, H. C. Harnden and H. A. Anderson, owners, for a change in zoning from "AA" and "C" to "RT-20" for property at 1610, 1614, 1620, and 1626 Upper Gage Avenue; Eleanor Neighbourhood.

11:00 O'CLOCK A.M.

13. Zoning Application 90-02, J. Puig, owner, for a modification to the "M-14" District for properties at 70 and 80 Lancing Drive; Rymal Neighbourhood.
14. Zoning Application 90-15, M. Mercanti, owner, for a further modification to the "M-13" District for land on the west side of Anchor Road in the area south of Stone Church Road East; Hannon North Neighbourhood.

(a) Letter of Submission - Gordon Construction - 12 Bigwin Road.
15. Zoning Application 90-30, R. Pirro, owner, to remove the "H" (Holding) Provision for property at 12 Ray Street South; Strathcona Neighbourhood.

11:30 O'CLOCK A.M.

16. City Initiative 90-B - Amendments to the "F-3" and "F-4" District regulations.
17. Walkway Closure between Cranbrook Drive and Gardiner Drive; Gilkson Neighbourhood.
18. Other Business.
19. Adjournment.

Wednesday, 1990 March 21
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman W. McCulloch, Acting Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Drury
Alderman H. Merling

Regrets: Alderman J. Smith, Chairman - Regional
Conference
Alderman F. Lombardo, Vice-Chairman - Family
Business
Alderman D. Christopherson - Regional Conference
Alderman D. Ross - Regional Conference

Also present: Mr. D. Kelterborn, Hamilton Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Ms. Patrice Noé Johnson, City Solicitor
Mr. B. Allick, Building Department
Mr. W. Wong, Building Department
Mr. D. Pickard, Building Department
Mrs. C. Floroff, Planning Department
Mr. K. Extance, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Robinson, Community Development
Department
Mr. R. Karl, Traffic Department
Mr. P. Mallard, Planning Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder, Secretary

In the absence of both the Chairman and the Vice-Chairman, the Committee appointed Alderman McCulloch to assume the role of Acting Chairman for the meeting.

The Committee proceeded to deal with Items on their Agenda with 4 members present (1 less a quorum) on the understanding that these matters would be ratified when the 5th person arrived at the meeting to provide the quorum.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 February 21 and approved these minutes.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 14, respecting Demolition Permit Applications.

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 86 Ward Avenue
- (b) 137 Simcoe Street East
- (c) 219 Bay Street North
- (d) 110 Deschene Avenue

Part of the Commissioner's recommendation respected the Demolition Permit Application for property at 212 Wood Street East.

The Committee agreed to table this application pending enforcement proceedings since this building was demolished without a permit.

The Committee was in receipt of a report from the Cash-in-Lieu of Parking Committee dated 1990 March 14, respecting property at 96 George Street.

Appointment of Acting
Chairman.

Quorum not present.

Minutes - 1990
February 21st.

Demolition Permit
Applications.

Demolition Permit
Application tabled
re: Court action -
212 Wood St. E.

Cash-in-lieu of Parking
- 96 George Street.

The Committee was also in receipt of a letter from Mr. Tony Valeri, The Effort Trust Company, respecting this matter and asking that this Item be tabled in order that more information could be obtained.

Accordingly, the Committee tabled this Item.

Conveyance of Land
for Park Dedication
with Phase I of the
Gardens of Rymal
Subdivision.

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 March 7, respecting Conveyance of Land for Park Dedication with Phase I of the Gardens of Rymal Subdivision, for Phase I and future phases of the Gardens of Rymal Subdivision.

The Committee approved the following:

That the City of Hamilton accept title from Benemar Construction Inc. for lands shown as Block "122" of the approved draft plan of subdivision known as "The Gardens of Rymal" as outlined in the attached map marked as Appendix "A".

NOTE: These lands are designated for park purposes. The lands are to be used as credit in lieu of a cash payment for the 5% parkland dedication requirement, for all phases of development. The owner's solicitor is to prepare the necessary deed and certify title to the City.

Study of Residential
Enclaves.

The Committee was in receipt of a letter from the Chairman of the Business Land Use Advisory Board dated 1990 March 14, respecting Staff Undertaking a Study of Residential Enclaves.

The Committee approved the following:

That the Director of Local Planning be directed to undertake a comprehensive study to commence in the Fall of 1990 to review all the enclaves to determine their long term land use and implementation strategies, notwithstanding the original mandate of the acquisition program.

Quorum present.
Previous decisions
ratified.

At this point, the additional member came into the meeting to provide a quorum for the meeting. It was then moved by the Mayor, seconded by Alderman Drury and carried to ratify all of the above-noted decisions.

Provincially owned lands
- Affordable Housing.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 14, respecting Council Direction - Provincially Owned Lands - Affordable Housing.

The Committee approved the following:

- (a) That the Ministries of Municipal Affairs, Housing and Government Services be advised to take a leadership role in developing appropriate Provincially-owned lands in the City of Hamilton, for affordable housing; and,
- (b) That a copy of the staff report related to this matter be forwarded to the Ministries of Municipal Affairs, Housing and Government Services for their information.

NOTE: On 1989 October 31, Hamilton City Council directed staff to identify Provincially-owned lands within the City of Hamilton. A general review of all Provincially-owned lands in Hamilton was undertaken to determine basic potential for affordable housing opportunities. As a result of this review, properties were identified with potential for housing development. Given this potential, the Provincial Government should be encouraged to assume a leadership role and develop suitably located lands within the City of Hamilton for affordable housing.

Copies of the staff report respecting this matter were distributed to members of the Planning and Development Committee and are available from the Committee Secretary upon request.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 13, respecting Regulation of Gun Shops.

Regulation of
Gun Shops.

The Committee approved the following:

That the Planning and Development Committee authorize a public meeting in accordance with the requirements of the Planning Act to consider the following changes to Zoning By-law No. 6593 regarding the regulation of gun shops:

- (a) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

Special requirements for Establishments Selling/Repairing Firearms

- (12) Notwithstanding any provisions of the By-law, any retail store, second hand goods store, pawnbroker's shop, or gunsmith shop used for the sale and/or repair of firearms shall comply with the following:

(a) Display

No window display of firearms shall be permitted.

(b) Location Requirement

A minimum radial separation distance of 300 m shall be provided from the lot line to the lot line of any school.

At this point the meeting reconvened in the Council Chambers for the purpose of hearing Zoning Applications.

Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 13, respecting Zoning Application 89-124, for property at 648 Upper Paradise Road.

ZA89-124 - 648 Upper
Paradise Road.

The Committee approved the following:

- (a) That approval be given to Zoning Application 89-124, Mary Agnes Kosar and Gail Elizabeth Holmes, owners, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District to "C" (Urban Protected Residential, etc.) District, for property located at 648 Upper Paradise Road, as shown on the attached map marked as Appendix "B", on the following basis:

- (i) That the subject lands be rezoned from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-37A & W-37B for presentation to City Council;
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and
- (iv) That the Fessenden Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double" residential;

- (b) That the residential building setback policy as established by City Council for properties adjacent to the East-West Freeway Corridor, be amended to provide for a minimum building setback of 18.84 m (62.0 ft.) for the subject property whereas 22.86 (75 ft.) is required.

NOTE: The purpose of the By-law is to provide for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District for property located at 648 Upper Paradise Road.

The effect of the By-law is to permit development of the property for a single-family dwelling.

ZA89-129 - north west
corner of James Street
North and Vine Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 14, respecting Zoning Application 89-129, for property located at the north-west corner of James Street North and Vine Street.

The staff recommendation on this application was for DENIAL for the following reasons:

- (a) It conflicts with the intent of the approved Central Neighbourhood Plan which designates the land for "Commercial and Apartments";
- (b) It is an overintensification of land use in that adequate side yards, properly sized loading spaces, etc. will not be provided. In addition, the proposal is for an increase in density by approximately one third of that permitted in the "H" (Community Shopping and Commercial, etc.) District (5.26 gross floor area requested versus 4.0 gross floor area permitted), as well as an increase in the allowable height by approximately 12 metres (29.7m versus 17m);
- (c) The proposal would be out of character with the existing neighbourhood, the surrounding properties, especially James Street North are primarily comprised of three storey buildings consisting of a first floor of commercial use and two floors of residential use. A seven storey office building would be out of character with the established pattern of land use on James Street North, and an undesirable intrusion into the neighbourhood; and
- (d) Approval of the application would encourage other similar applications which if approved would undermine the intent of the zoning by-law and alter the character of James Street North.

Report of the circularization was given as follows:

262 notices sent	22 in favour	2 opposed
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Following some discussion on this matter by members of the Committee, the following APPROVAL recommendation was approved:

- (a) That approval be given to Zoning Application 89-129, J. Beume Real Estate Ltd., owner, for a change in zoning from "L-c" (Planned Development Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2", to permit a seven storey building containing a bank, restaurant, and offices, for property located at the northwest corner of James Street North and Vine Street, as shown on the attached map marked as Appendix "C", on the following basis:
 - (i) That the lands described as Block "1" be rezoned from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
 - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

- (1.) That notwithstanding Section 14(5) of Zoning By-law No. 6593, a building having a gross floor area of not more than 5.3 times the area of the lot shall be permitted;
 - (2.) That notwithstanding Section 14(2)(ii) of Zoning By-law No. 6593, no side yard shall be required along the easterly and northerly side lot lines for the building having a height of not more than 7 storeys and not more than 30 metres in height;
 - (3.) That notwithstanding Section 14(3)(iii)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 3.0 m shall be provided and maintained;
 - (4.) That notwithstanding Section 18A(1)(d), a minimum of two loading spaces having minimum dimensions of 9.0 m x 3.7 m x 4.3 m shall be provided and maintained.
- (iii) That the amending By-law be added to Section 19B of zoning By-law No. 6593 as Schedule S-1168, and that the subject lands on Zoning District Map W-5 be notated S-1168;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council; and,
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the subject lands.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2".

The effect of the By-law is to permit development of the subject lands for a seven storey commercial building containing a bank, restaurant and offices. In addition, the By-law also provides the following variances as special provisions:

- (a) To permit a maximum gross floor area ratio of 5.3 whereas 4.0 is permitted;
- (b) To permit a maximum 7 storey building height whereas 4 storeys are permitted;
- (c) To permit a maximum building height of 30 metres whereas 17 metres is permitted;
- (d) No east or north side yards instead of the required 3.0 m east and north side yards;
- (e) To permit a minimum rear yard depth of 3.0 m instead of the required 4.5 m; and
- (f) To permit two small (9.0 m x 3.7 m x 4.3 m) loading spaces instead of the two required large loading spaces (18.0 m x 3.7 m x 4.3 m).

NOTE: Alderman Kiss opposed.

ZA90-11 -- 79 Rymal
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 12, respecting Zoning Application 90-11, for property at 79 Rymal Road West. Report of the circularization was given as follows:

52 notices sent 4 in favour 5 opposed

Mr. Richard Holland, 75 Rymal Road West, spoke to the Committee. He indicated that he has been a resident of this area since 1953, and is concerned that the dimensions listed for the applicant property as 70 feet is incorrect since he believes the dimensions are only 60 feet. He said the land has not been surveyed recently and that there is no legal description for this property to make the assumption that the property is 70 feet in dimension. He also questioned the type of building that would be going onto this property, although he indicated he is not opposed to commercial development at this location.

The Chairman indicated that the Ward Alderman could meet with Mr. Holland to show him the site plan for this property.

The applicant indicated to the Committee that he has a verified survey for the property dimensions at 70 feet.

Mr. Anton Jacusiw, owner and representative for properties at 1260 West 5th and 1268 Rymal Road West also spoke to the Committee and expressed considerable concern at the traffic patterns that are becoming more and more congested at the corner of West 5th and Rymal Road, as a result of this development and other developments in the area.

The representative from the Traffic Department spoke to this and indicated that statistics are done on an annual basis at intersections, but that this particular intersection has not yet met the volume of traffic for controls to be implemented at this location.

Again, it was suggested by the Chairman that the Ward Alderman could speak to Mr. Jacusiw with respect to this matter.

The Committee then agreed that further to the Planning Department's suggestion, an up-to-date survey of the subject lands would be required as a condition of approval of the Zoning Application, and the Committee then approved the following with respect to this application:

That approval be given to Zoning Application 90-11, Walter Vucetich, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit commercial development for property located at 79 Rymal Road West, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - (i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier of not less than 1.2 m and not more than 2.0m in height shall be provided and maintained along the entire southerly rear lot line;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1169, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1169;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the amending By-law not be forwarded for passage by City Council until such time as an up-to-date survey of the subject lands has been submitted to the Director of Local Planning.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for property located at 79 Rymal Road West.

The effect of the By-law is to permit future commercial development for the subject property. In addition, the By-law requires that a minimum 3.0 m wide landscape planting strip and, a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

NOTE: Alderman Kiss opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 13, respecting Zoning Application 90-04, for property at 1039 Main Street East.

ZA90-04 - 1039
Main Street East.

The staff recommendation for this property is for DENIAL of the application for the following reasons:

- (a) The proposed ground sign would be out of character with the existing signage in the area. The Zoning By-law allows only one sign having an area of 0.4m^2 (4.31 sq. ft.), whereas the applicant proposes a ground sign approximately 2.4m^2 (26 sq. ft.) in area and 2.4m in height; and
- (b) Approval of the application would encourage other similar applications which if approved would undermine the intent of the sign requirements in the Zoning By-law.

The staff recommendation further APPROVED an amended Zoning Application which would have the effect of permitting the enclosure of the existing front and side porch of the existing building (51.3m^2) for an office for a home improvement business.

Mr. Serge Gelly, owner for the property advised that he wishes to have a sign since the neighbourhood businesses also have fairly large signs.

The Committee discussed the sign issue and Alderman Drury indicated that he will meet with Mr. Gelly to determine the appropriateness of his proposed sign.

Accordingly, the Committee APPROVED the following recommendation giving Mr. Gelly the sign he had requested:

That approval be given to amended Zoning Application 90-04, Serge Gelly, owner, requesting a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the conversion of the front porch of the existing building to an office for a home improvement business, for the property located at 1039 Main Street East, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- (i) That notwithstanding Sections 11A(1), 11A(3), 11A(5), and 11A(6), enclosure of the existing roofed-over side and front porch of the existing building for use as a home improvement business office shall be permitted.
 - (ii) That notwithstanding Section 11A(1)(iv), one ground sign, wall sign or projecting sign having an area of not more than 3.0 m² non illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial use shall be permitted.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-746b, and that the subject lands on Zoning District E-44 be notated S-746b;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-44 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for the property located at 1039 Main Street East.

The effect of the by-law is to permit the enclosure of the existing front and side porch of the existing building (51.3 m²) for an office for a home improvement business.

In addition, the by-law permits one ground sign, wall sign or projecting sign having an area of not more than 3.0 m² non illuminated or illuminated by interior means only and no closer than 1.5 m from the street line.

NOTE: Alderman Merling opposed.

ZA90-10 - 314-318
Queenston Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 12, respecting Zoning Application 90-10, for property at 314 to 318 Queenston Road.

Report of the circularization was given as follows:

224 notices sent	4 in favour	37 opposed
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The Committee was in receipt of a Letter of Submission from Edna and Alf Bryant, 106 Beland Avenue South.

The Committee was also in receipt of a Submission from Alderman D. Christopherson to the Committee advising that he wishes to have the staff position of DENIAL upheld.

Mr. Caron, 49 Adair Avenue spoke in opposition to the application and indicated that there is no parking for a public hall. He also added that a billiard hall is not needed since there is one in the area already.

Mr. Baotic, applicant and part-owner of the property, spoke to the Committee on the reasons that this application should be approved. Mr. Baotic indicated that he is willing to go with just a billiard hall and to delete the public hall (banquet hall) use.

The Committee then voted on this matter, and agreed to DENY this application as follows:

That Zoning Application 90-10, V. Baotic, applicant and part owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a public hall (banquet hall) and a billiard room or penny arcade in the basement of the existing commercial plaza located at 314 to 318 Queenston Road, as shown on the attached map marked as Appendix "F" be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan and represents an over-intensification of use, in that adequate parking cannot be provided. Approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- (b) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.
- (c) It conflicts with the intent of Council adopted policy respecting the criteria used to evaluate the merits of applications to permit penny arcades, in that two schools are situated less than 1000 feet from the subject property.
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,

ALDERMAN W. McCULLOCH, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 March 21

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: 9 April 1990

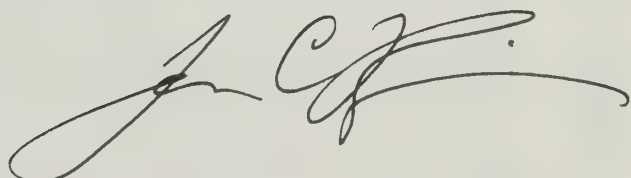
COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:



That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 215 Chester Street
- b. 30 William Street

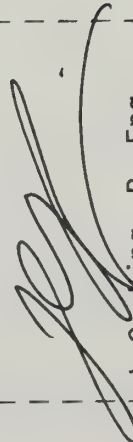

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: 9 April 1990							
ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	215 Chester St.	S.F.D.	Residential Subdivision	428' X 1361'	Starward Homes	"C"	It is recommended that Committee approve demolition.
3.	30 William St.	S.F.D.	Two Family Dwelling	48' X 98'	Natilio Gago	"D"	It is recommended that Committee approve demolition.
<div> L.C. King, P. Eng., Building Commissioner </div>							

FOR ACTION

3.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 April 12

DEPT FILE: HERITAGE 66

SUBJECT: City of Hamilton Heritage Programme -
96 James Street South, Hamilton
The James Street Baptist Church

APR 12 1990

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.) be approved for 96 James Street South, the James Street Baptist Church. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the James Street Baptist Church, 96 James Street South, Hamilton.

E. W. Kowalski *mer*

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 6, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features.

The Community Heritage Programme, when first designated, limited the loans to a maximum of \$20,000., but it was noted that in special cases, based on extraordinary Heritage merit, this ceiling would be flexible. The Department of Community Development and L.A.C.A.C. both agree that the James Street Baptist Church falls into this category.

The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1990 January 30. The owner of the property has applied under the terms of the above Programmes to undertake restoration work outlined by Trevor P. Garwood-Jones for over 1 million dollars.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Trevor P. Garwood-Jones specifications.

The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of \$3,000., and a Community Trust Fund loan in the amount of \$50,000. at 6 percent interest be approved. The monthly payments will be \$555.13 amortized over 10 years.

c.c. R. Camani, Treasury Department

FOR ACTION

4.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 April 12
DEPT FILE: FACADE 67

SUBJECT: Commercial Facade Loan Programme -
Increase for 355 Barton Street East, Hamilton

APR 12 1990

RECOMMENDATION:

That an increase under the Commercial Facade Loan Programme, in the amount of two thousand and nine dollars (\$2,009.) be approved for 355 Barton Street East, Ms. C. Rodriguez, for a new loan amount of eleven thousand, six hundred and eighty-three dollars (\$11,683). The interest rate will be 6 3/4 percent, amortized over 10 years.

E. W. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee, in a report dated 1989 November 28, approved a Commercial Facade Loan for Ms. C. Rodriguez in the amount of nine thousand, six hundred and seventy-four dollars (\$9,674.). Ms. Rodriguez has subsequently requested extras to the original contract in the amount of two thousand and nine dollars (\$2,009.)

The increased costs have been approved by the Barton Street Business Improvement Area as well as the City's Building Department.

The Department of Community Development therefore recommends the approval of an increase to their existing Commercial Facade Loan to Ms. C. Rodriguez for improvements to 355 Barton Street East, in the amount of \$2,009 for a total loan amount to eleven thousand, six hundred and eighty-three dollars (\$11,683.). The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be \$134.16 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

5.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: March 26, 1990
COMM. FILE:
DEPT. FILE: ZA-87-84
Ryckmans
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amendment to By-law No. 88-135 - Nos. 1489-1545 Upper James Street.

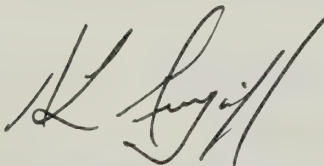
RECOMMENDATION

That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front and rear property lines, for the lands municipally known as Nos. 1489-1545 Upper James Street, as shown on the attached map marked as APPENDIX "A".

EXPLANATORY NOTE:

The purpose of this by-law is to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A", for lands municipally known as Nos. 1489-1545 Upper James Street, as shown on the attached map.

The effect of this by-law is to correct the dimensions for the front and rear lot lines which were incorrectly shown. It should be noted, that the new Schedule will be consistent with the properties stipulated in the text of By-law No. 88-135 and will not result in an extension of the zoning boundary.



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

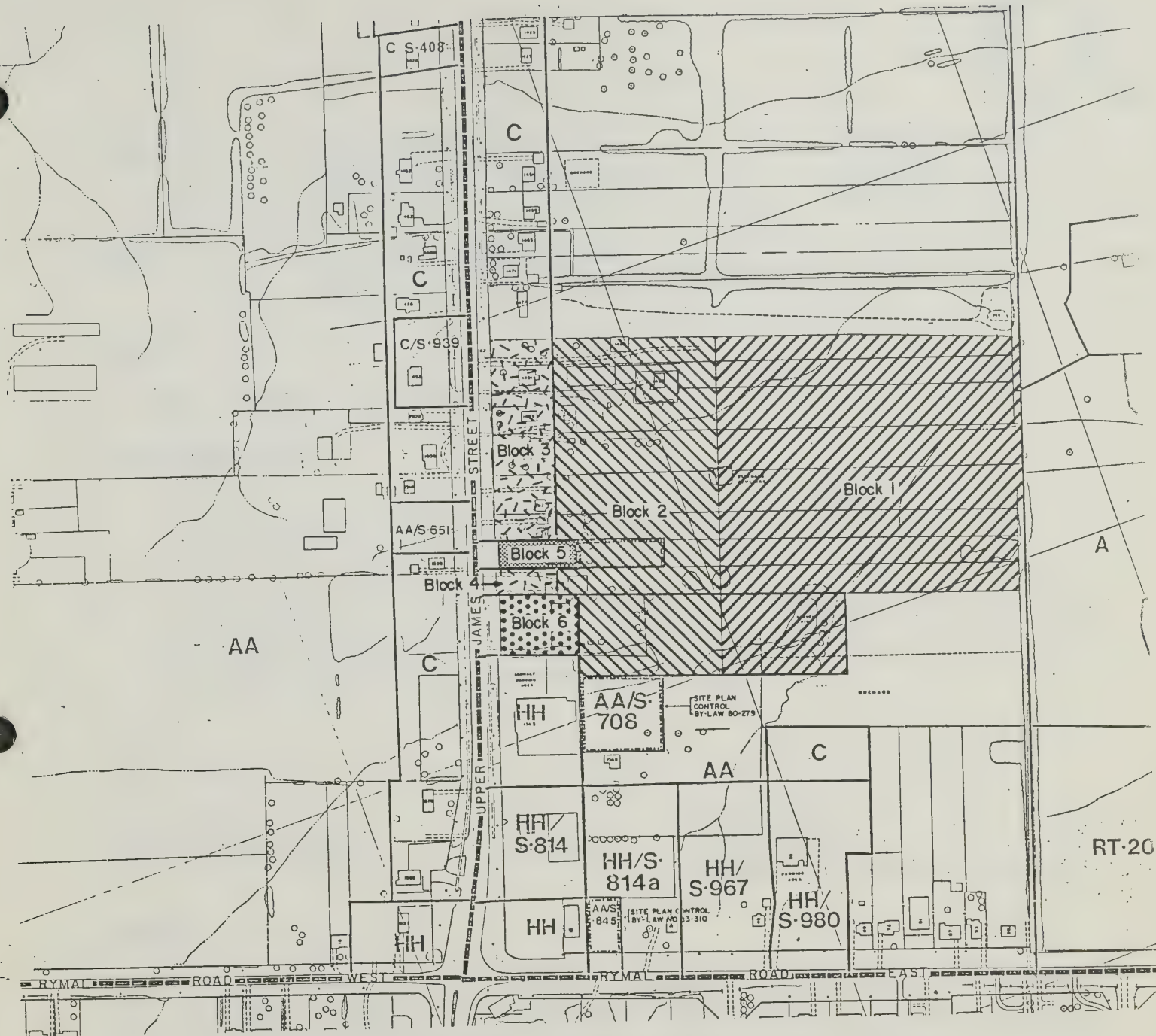
During a search of By-law No. 88-135, it was discovered that two dimensions were incorrectly shown on Schedule "A". The front lot line dimension should have been 236.07 m whereas 227.23 m was contained on the Schedule. Similarly, the rear lot line dimension was supposed to be 134.20 m instead of 115.73 m.

To ensure that the dimensions correspond to the municipal addresses set out in the text of the by-law, it is appropriate to delete the existing Schedule "A" of By-law No. 88-135 and replace it with a revised schedule. It should be noted, that the new schedule will not result in an extension of the zoning boundaries as approved by the Planning and Development Committee and Council.

CONCLUSION



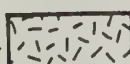


Based on the foregoing, it is appropriate to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A".

JHE/ma
WPZA8784



LEGEND

Lands for which the following changes in zoning are proposed:

- Block 1  From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- Block 2  From "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.
- Blocks 3 & 4  From "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.
- Block 5  From "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.
- Block 6  From "HH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.



FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 10, 1990
COMM. FILE:
DEPT. FILE: 4328

FROM:

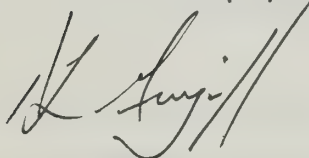
J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

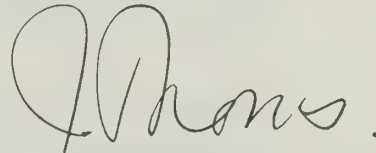
Committee of Adjustment - minor variance applications.

RECOMMENDATIONS

1. That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances".
2. That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

PROBLEM

While the Committee of Adjustment has been effective in dealing with a large volume of "minor variance" applications, lately there appears to be a trend to approve applications which do not appear to be minor in nature, and should more appropriately have been processed by the Planning and Development Committee and City Council as zoning amendments.

Three concerns have been identified respecting the trend in Committee of Adjustment decisions, as follows:

1. Approvals would have the effect of usurping the authority of Council, and the Planning and Development Committee, with respect to its jurisdictional responsibilities for "Land Use Control" under the Planning Act.
2. It diminishes the opportunity for a detailed review and assessment of a proposed development by staff (i.e. Planning Department, Traffic Department, Building Department, Engineering Department, etc.).

3. It diminishes the opportunity for public input, in that under the Planning Act the Committee of Adjustment is required to give notice at least 10 days before the hearing to all assessed owners of land lying within 60 m of the subject lands. Whereas for a rezoning, notice is given at least 17 days before the public meeting to all persons (i.e. owner, occupant or tenant) within 120 m of the subject lands.

BACKGROUND

● What is Minor?

The Planning Act does not provide a definition of "minor variance", nor is there a mathematical standard against which an application can be measured. In Rogers "Canadian Law of Planning and Zoning" the following is stated:

"Minor is a relative term and must be interpreted in the particular circumstances involved together with the other three factors..."

There is no definition as to what constitutes a minor variance and what does not. In each specific situation, the actual on-ground circumstance determines whether or not the variance is minor.

A minor variance cannot be mathematically calculated. The same variance may be minor in one situation and major in another..."

In effect, a "minor variance" is a small variation from the requirements of the Zoning By-law.

● The Planning Act

As set out under Sections 44(1), (2) and (3) of the Planning Act, 1983, the Committee of Adjustment is assigned the responsibility for processing applications for the following:

- minor variances to certain types of By-laws;
- non-conforming uses; and
- permitting specific uses where a By-law defines them in general terms.

It should be noted, that the establishment of a Committee of Adjustment is not mandatory under the Planning Act.

Given the volume of applications where development proposals do not meet By-law requirements, the Committee of Adjustment provides an important alternative process to having Council amend the By-law for "minor changes". Applications to the Committee of Adjustment are intended to be

used where the technical issues are relatively simple. The advantages are that minor variance applications are quicker to process, and less costly than zoning amendments. However, the Committee of Adjustment is not intended to be used as a vehicle to expedite or circumvent the authority of Council.

Generally, a "minor variance" application involves a situation where compliance to the By-law regulations would be difficult or a "hardship". In this regard, there should be a valid reason why the By-law requirement(s) cannot be maintained.

Accordingly, the Committee of Adjustment must be satisfied that the following requirements have been met, as per Section 44(1) of the Planning Act, before it approves a variance:

- (1) The variance must be a minor variance from the provisions of the by-law.
- (2) The variance must be desirable in the opinion of the Committee for the appropriate development or use of the land, building or structure.
- (3) The general intent and purpose of the by-law must be maintained.
- (4) The general intent and purpose of the Official Plan must be maintained.

Use

Section 44(1) of the Planning Act gives the Committee of Adjustment the power to "...authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or use thereof..."

It is understood that the provision respecting use is intended to assist with by-law interpretation, rather than being legislative, as some by-laws are written in general terms. For example, a particular zone/district may not contain a specific list of uses, but rather states "...or other such manufacturing or industrial use...".

Since the zone/district may not list a particular use, an application may be made to the Committee of Adjustment to determine if the proposed use complies with the intent of the By-law and is appropriate.

However, the Planning Act does not give the Committee of Adjustment jurisdiction to grant an application to permit a use which is not expressly contemplated in the Zoning By-law. Approval of such application(s) would amount to a "by-law amendment" rather than a minor variance from its provisions. The determination as to whether or not a certain use should be permitted should appropriately be made by the Planning and Development Committee and City Council, as intended by the Planning Act.

COMMENTS

1. The following is a synopsis of concerns respecting the approval of a random sampling of recent Committee of Adjustment applications.

- A-89-235
444 Concession Street

The subject application involved a variance to permit the residentially zoned portion of the lands to be used for part of the required parking for a proposed medical office development.

Given the specific intent of the By-law to prohibit commercial parking in a residential district, the approval of this variance constitutes a complete departure from the By-law and amounts to adding a new use.

Approval of the application sets a precedent for future similar applications, regardless of the use for which approval is being sought. Historically, applications have been made for zoning modifications to add a new use on a "spot" basis.

This is a legislative function over which the Planning and Development Committee and City Council have jurisdiction, not the Committee of Adjustment.

- A-89-329
35-43 Catharine Street
117 Jackson Street East

Approval of the variances will permit the development of a proposed 19 storey, twin tower residential/commercial project. Among other variances, a total of 424 dwelling units will be included, whereas approximately 85 are permitted under the By-law regulations.

The subject lands are located within the "I" District which functions as the "business centre". Accordingly, residential development is only permitted on a limited low density basis.

Although the "I" District would allow for a building having the proposed bulk and scale, it does not contain regulations normally applied to residential/commercial developments, (e.g. design requirements, landscaping, etc.), nor does it (or any other district) contemplate a residential development of this magnitude (300+ units per acre).

Generally, a major development proposal such as this is processed by way of an application for a change and/or modification in zoning. In addition, they are invariably

placed under Site Plan Control, whereas this project will not be. This procedure allows for a detailed review and assessment of a proposed development, and preserves Council's legislative authority to alter established policy.

The approval of this application is a complete departure from the intent and purpose of the By-law, the effect of which is to establish a new policy for residential development in the Central Area. This is a legislative function over which the Planning and Development Committee and City Council have jurisdiction, not the Committee of Adjustment.

It should be noted, that the City Solicitor's office was requested to review this decision, and they advised staff that in their opinion it was not considered to be a minor variance.

The precedential effect of this decision has already been realized, in that another application (A-90-16) was subsequently approved for property at Nos. 135-139 Hunter Street. Similarly, this application provides variances to permit a multi-storey commercial and penthouse condominium development to have 127 dwelling units, whereas a maximum of 46 dwelling units are permitted.

- A-89-361
197-211 Stone Church Road East

The subject application involved variances to a site specific by-law which had only been in effect for 12 days (By-law No. 89-313).

The By-law specifically limited the development of the subject lands to a one storey, 62 bed nursing home and a 3 storey, 83 unit senior citizens multiple dwelling. The requested variances were to increase the height and occupancy levels of the nursing home component to two storeys and 108 beds, or by 46 beds (approx. 74% increase).

The approval of the application is a complete departure from the intent of the By-law, and is not regarded as being minor in nature. A request to alter a site specific By-law to this degree, is a legislative function of the Planning and Development Committee and City Council.

- A-89-362
60-76 Harlowe Road

The subject application involved a variance to permit the establishment of a wholesale donut manufacturing business upon the premises.

The approval of this variance application is another example of a new use being added which is specifically prohibited in the by-law. Approval of the application did not assist with by-law interpretation, rather it resulted in a legislative change. Furthermore, approval of the application sets a precedent for future similar applications. In this regard, the owners have submitted another application (A-90:67) to permit the following additional uses:

1. an aluminum siding installation business together with wholesale and retail sales;
2. a heating and cooling contracting business.

This is a legislative function over which the Planning and Development Committee and City Council have jurisdiction, not the Committee of Adjustment.

CONCLUSION

A variance should not constitute a complete departure from the by-law. The common element in the foregoing examples, among others, is that their approval involves "legislative" changes to the Zoning By-law by:

- adding new uses; and/or
- formulating new policy.

Their approval also sets a precedent for future similar applications.

These are legislative functions over which the Committee of Adjustment has no jurisdiction. The Planning Act vests this responsibility within City Council and, through it, the Planning and Development Committee.

Accordingly, the Planning and Development Committee should undertake the following:

1. That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances".
2. That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan.

It should be noted, that in 1989 a total of 367 applications were made to the Committee of Adjustment. In this regard, the foregoing concerns only relate to a few recent applications, and are not intended to detract from the record of the Committee.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

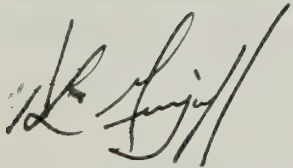
DATE: APRIL 3, 1990
COMM.FILE:
DEPT.FILE: P5-2-83
ZA-89-125
Kennedy East
Neighbourhood

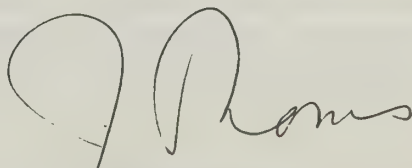
SUBJECT

Neighbourhood Plan Review to examine the Potential Development within the existing built up area - Kennedy East Neighbourhood

RECOMMENDATIONS

1. That the neighbourhood plan remain unchanged.
2. That Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at Nos. 63 and 67 Malton Drive, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:
 - i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. The proposed lots would provide for an indiscriminate mix of lot sizes which is undesirable, and would undermine the established residential character of the neighbourhood;
 - ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,
 - iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.


A. L. Georgieff, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Committee

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

On March 31, 1987, the Kennedy East Neighbourhood Plan was adopted by City Council (see APPENDIX "B"). The subject area (see APPENDIX "B") is built up with large lot single-family houses and designated for single and double housing in the Neighbourhood Plan. The area was originally developed on septic tank systems which required larger lots. The area now has main sewers.

On December 5, 1989, Mr. and Mrs. Richardson and Mr. and Mrs. Stockton submitted a zoning application for 63 and 67 Malton Drive (ZA-89-125, see Map). The proposed change was from "B" (Suburban Agriculture and Residential, etc.) District requiring a lot width of 20 metres/65 feet to "C" (Urban Protected Residential, etc.) District requiring a lot width of 12 metres/39 feet. The proposal conformed to the Kennedy East Neighbourhood Plan.

On February 7, 1990, the Planning and Development Committee tabled the application and directed staff to review the potential for additional development within the existing built up area.

ANALYSIS

The development of the rear lots on Kennedy Avenue, Malton Drive, Alderson Drive and Christopher Drive was considered during the preparation of the Neighbourhood Plan. It was noted that:

1. There are many owners involved;
2. The extensive use of rear yards for recreation (e.g. swimming pools); and
3. The cost of development which would allow lots to be created on only one side of each cul-de-sac (see APPENDIX "B").

It should be noted that the distance between the houses on Alderson Drive and Christopher Drive is too small to permit additional development. The access from Christie Street to the area between Kennedy Avenue and Rymal Road is no longer possible because of the development of new houses on Christie Street.

It was concluded that such development was neither feasible or desirable and, therefore, was not included in the plan. Accordingly, the only opportunity to provide for additional lots is along Christie Street. In this regard, approximately 18 new lots could be created (see APPENDIX "B").

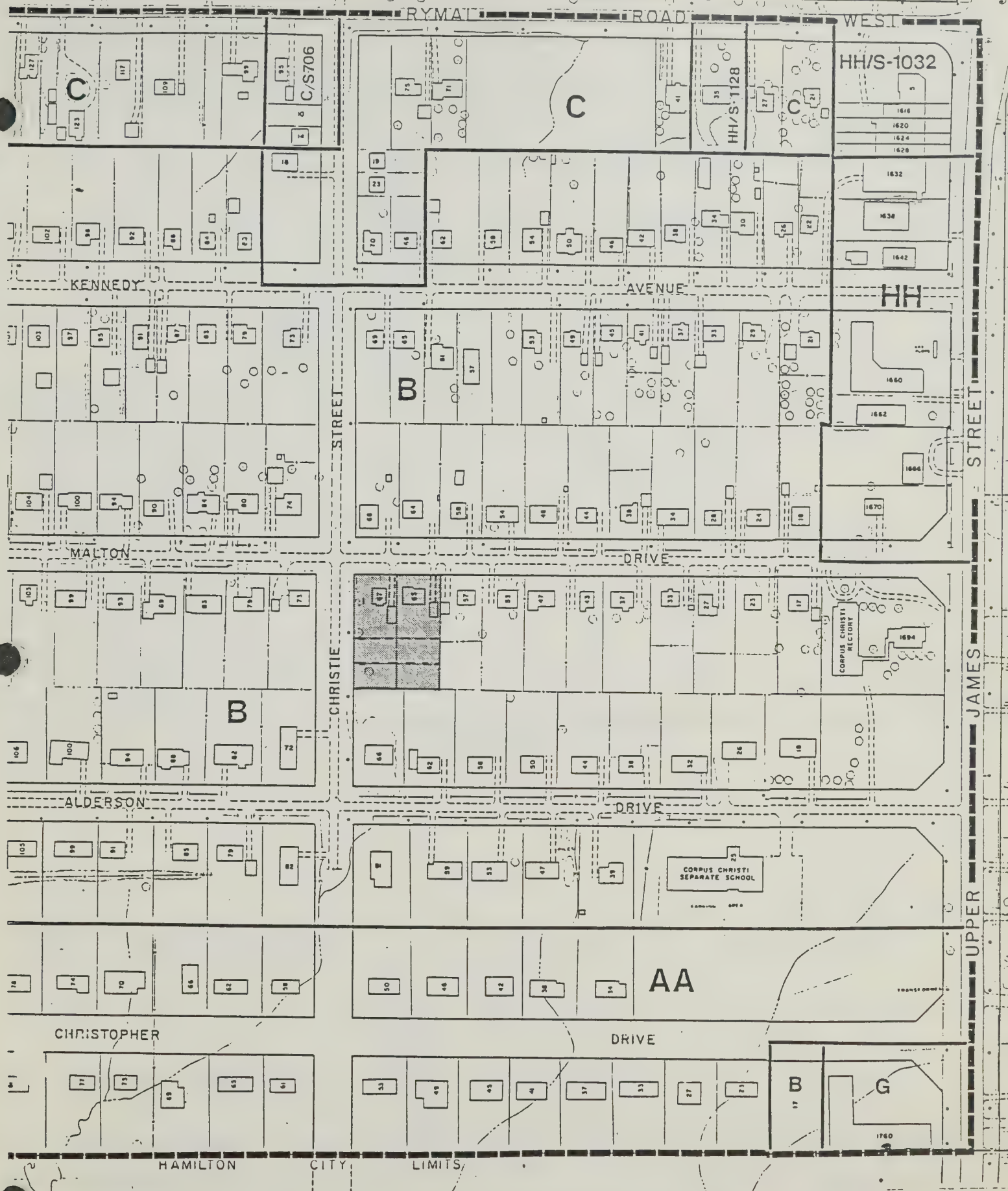
As previously identified for Zoning Application 89-125 (see attached report), this concept is not appropriate as it would be incompatible with the character of development in the surrounding area. This portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. The proposed lots would provide for an indiscriminate mix of lot sizes which is undesirable, and would undermine the established residential character of the neighbourhood.

CONCLUSION

1. No change should be made to the Kennedy East Neighbourhood Plan.
2. That Zoning Application 89-125 be denied.

MLT/bs

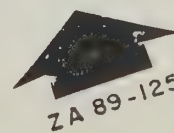
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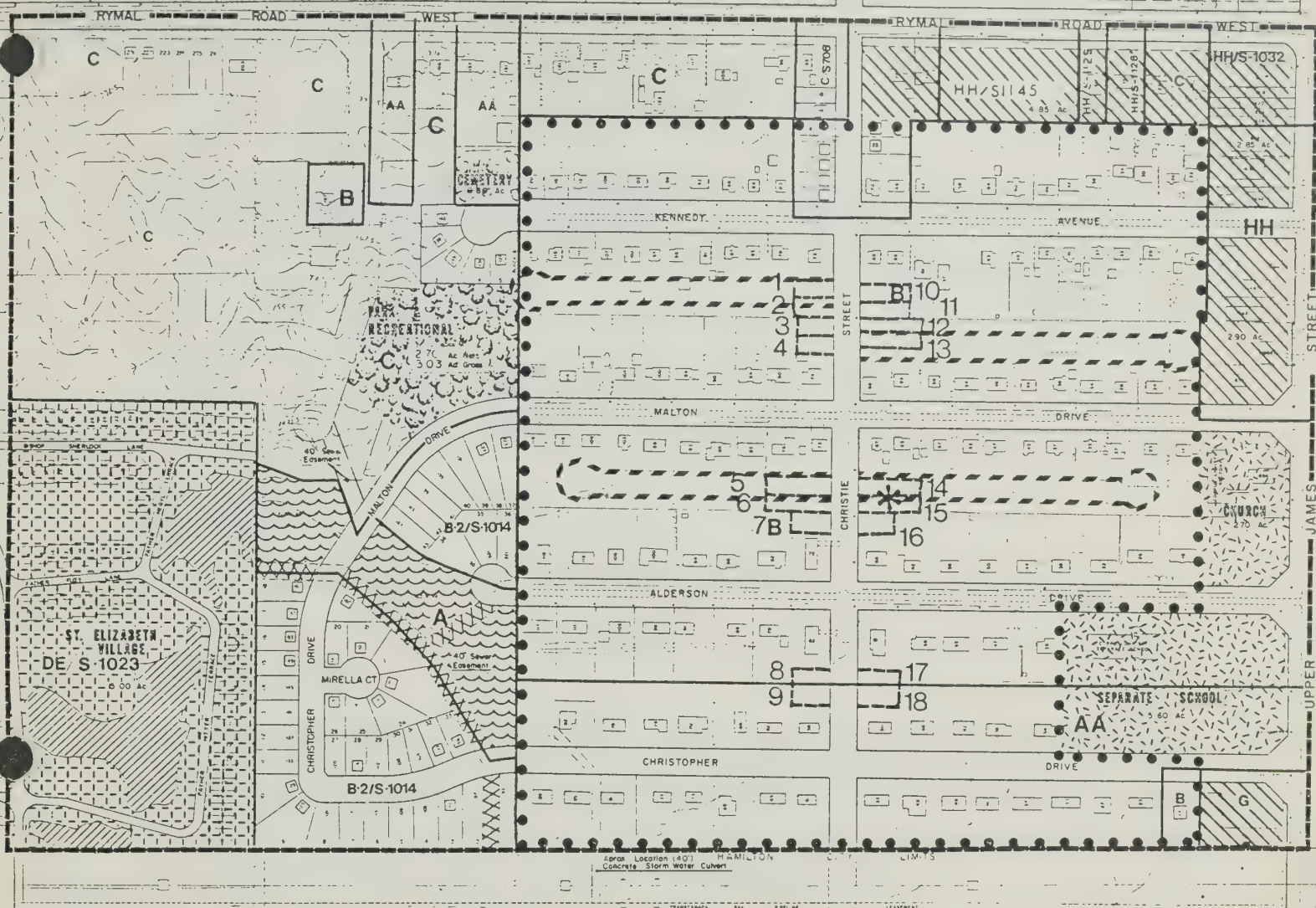


LEGEND



SITE OF THE APPLICATION





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND

ST. ELIZABETH VILLAGE POND
AREA 14.70 Acres (existing)

POSSIBLE ROADS

POTENTIAL LOTS (18)

STUDY AREA

RICHARDSON STOCKTON
ZONING APPLICATION

EXISTING POPULATION (1988) 547

LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments
- st. elizabeth retirement village

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- FLOOD PRONE LANDS

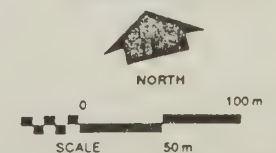
- Neighbourhood Boundary
- Zoning Boundary

Approvals
Planning Committee MAR 11, 1987 Council MAR 31, 1987
Latest Revision Date JANUARY 10, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

KENNEDY EAST

APPROVED PLAN



FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: January 29, 1990
COMM. FILE:
DEPT. FILE: ZA-89-125
Kennedy East
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

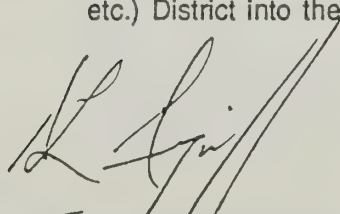
SUBJECT:

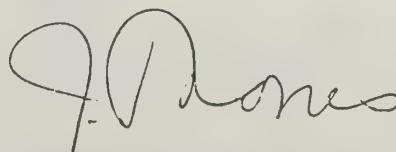
Request for a change in zoning - Nos. 63 and 67 Malton Drive.

RECOMMENDATION

That Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at Nos. 63 and 67 Malton Drive, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. The proposed lots would provide for an indiscriminate mix of lot sizes which is undesirable, and would undermine the established residential character of the neighbourhood;
- ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,
- iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants' intention to create two (2) building lots for single-family detached dwellings by severing two lots from the rear portion of their lands (see APPENDIX "A"). The two new lots would front onto Christie Street. The existing houses would be retained.

APPLICANTS

Joan and Bruce Richardson & Ruby and Wellman Stockton, owners.

LOT SIZE AND AREA

- o 45.72 m (150 feet) of lot frontage on Malton Drive;
- o 60.96 m (200 feet) of lot frontage on Christie Street; and,
- o 2,787.09 m² (30,000 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	two single-family detached dwellings	"B" (Suburban Agriculture and Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family detached dwellings	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within

this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value."

The proposed lots are not in keeping with the residential character of the area. On the basis of the foregoing, the application does not comply with the intent of the Official Plan. However, if the application is approved, an Official Plan amendment would not be required.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Kennedy East Neighbourhood Plan, the proposal does not conflict with the intent of the neighbourhood plan.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Building Department;
 - Traffic Department;
 - Niagara Peninsula Conservation Authority; and,
 - Hamilton Region Conservation Authority.
- o To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. However, approval of the application would not require an Official Plan amendment.
2. The proposal does not conflict with the intent of the approved Kennedy East Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

- i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. This proposal would create an indiscriminate mix of lot sizes which is undesirable, and contrary to the intent of the Official Plan. The proposed two lots would undermine the established residential character of this neighbourhood;
- ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,
- iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

MLT/ma
WPZA89125

FOR ACTION

8.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 11, 1990

COMM FILE:

DEPT FILE: ZA-89-130

Butler

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for changes in zoning - rear part of properties at Nos. 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.

RECOMMENDATION

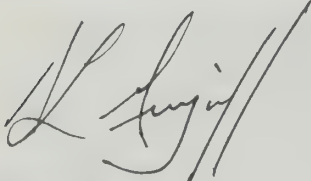
That approval be given to Zoning Application 89-130, A. Cameracci, agent/owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District (Block "2"), for the rear part of properties located at Nos. 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the rear part of property located at Nos. 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit future development of the subject lands for small lot single-family detached dwellings fronting onto the proposed extension of Acadia Drive.



A.L. Georgleff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The purpose of the proposed change in zoning is to subdivide the subject lands into building lots for "small lot" single-family detached dwellings.

- Land Severance Applications

At its meeting held on February 20, 1990 the Regional Land Division Committee considered and approved application H-33-90 (590 Stone Church Road East) and H-34-90 (596 Stone Church Road East) to retain two parcels of land, (one fronting onto Stone Church Road and one fronting onto a proposed new street in each case), and to convey a parcel of land fronting onto the proposed new street (see APPENDIX "B"). The applications were approved conditional upon, among other things, the applicant submitting proof of final approval of any necessary change of zoning/zoning amendment and submitting proof Parts 7, 8, 9, 10, 11 and 12 have been conveyed to the City of Hamilton.

To-date, the Regional Land Division Committee has not received land severance applications for properties at Nos. 564 - 586 Stone Church Road East.

APPLICANT

A. Cameracci, agent/owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having a lot area approximately 3.64 ha (8.98 ac.).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	vacant	"R-4" (Small Lot Single-Family Detached) District
to the east	a single-family dwelling and vacant lands	"R-4" (Small Lot Single-Family Detached) District
to the west	vacant	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among other, the following policies:

- "A.2.1.1. The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "SINGLE AND DOUBLE" residential development on the approved Butler Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

"The land is subject to a plan of subdivision as per Section 9A(2)(c) of By-law 6593."
- The Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"water and sewer servicing is to be provided under a modified subdivision agreement for these lands.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). In accordance with this designation, the applicant/owner should be advised of a future road allowance widening to establish the property line 15.24 m (50 feet) from the centreline of the original Stone Church Road road allowance.

All other details such as the establishment of Acadia Drive, etc. will be dealt with through separate applications, etc."

COMMENTS

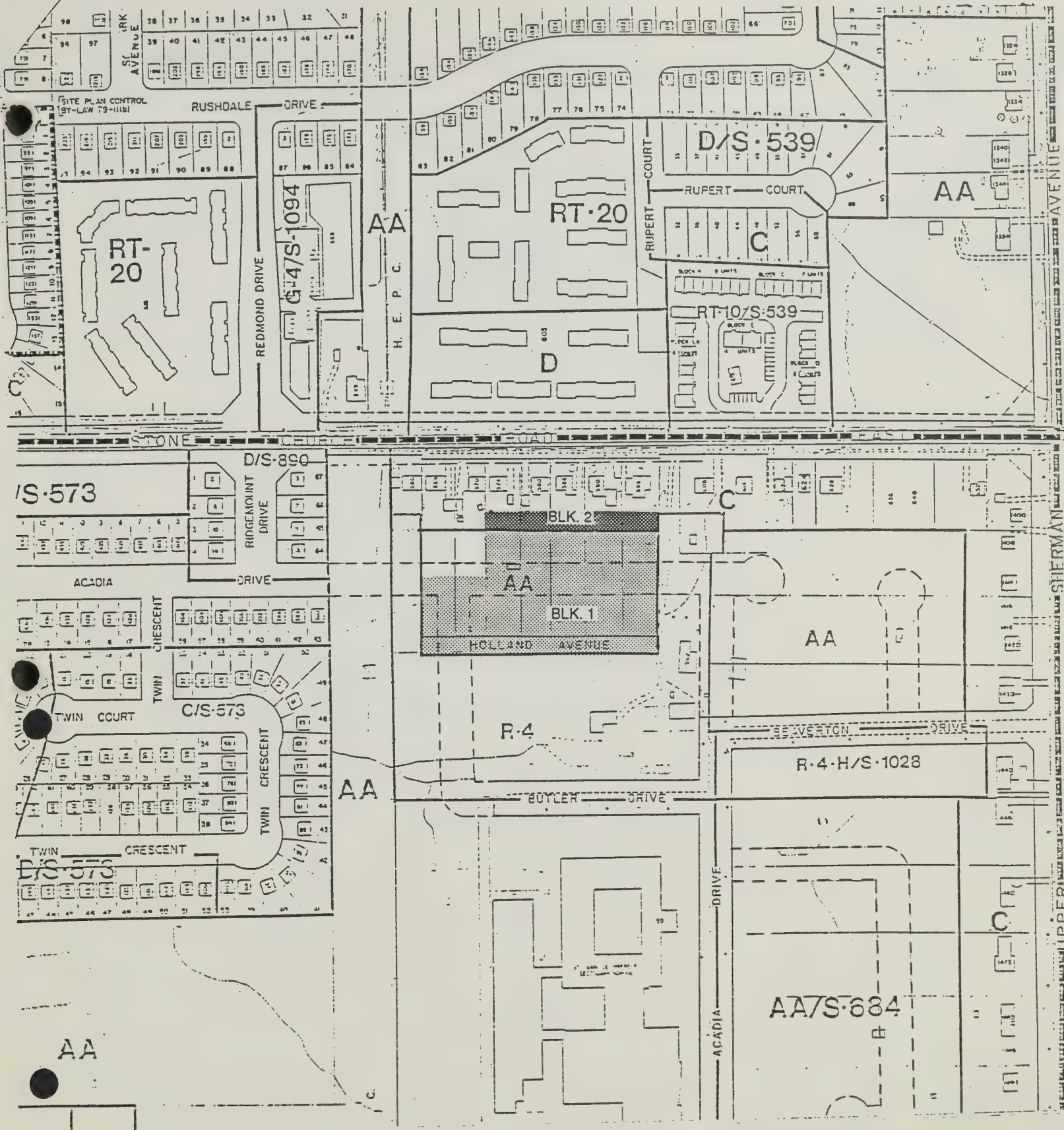
1. The proposal complies with the intent of both the Official Plan and the approved Butler Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of both the Official Plan and the approved Butler Neighbourhood Plan;
 - ii) it would be compatible with existing and future development contemplated in this area;
 - iii) it will implement the conditions of approval of the Regional Land Division Committee concerning the rezoning and conveyance of necessary parcels of land to the City to facilitate the extension of Acadia Drive as proposed by the approved Butler Neighbourhood Plan;

- iv) it will facilitate the completion and development of adjoining lands to the south, east and west within the Aquino Gardens draft plan of subdivision which are also zoned in an "R-4" (Small Lot Single-Family Detached) District;
 - v) Holland Avenue is in the process of being closed by a Judges Order to permit development of the subject lands and adjoining lands to the south.
4. It would have been preferable for the subject lands to be developed in accordance with a draft plan of subdivision rather than through land severance applications. However, the Regional Engineering Department has advised that as a condition of future land severances the development of the lands will be subject to a modified subdivision agreement.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma
WPZA89130



Legend

Proposed change in zoning from:



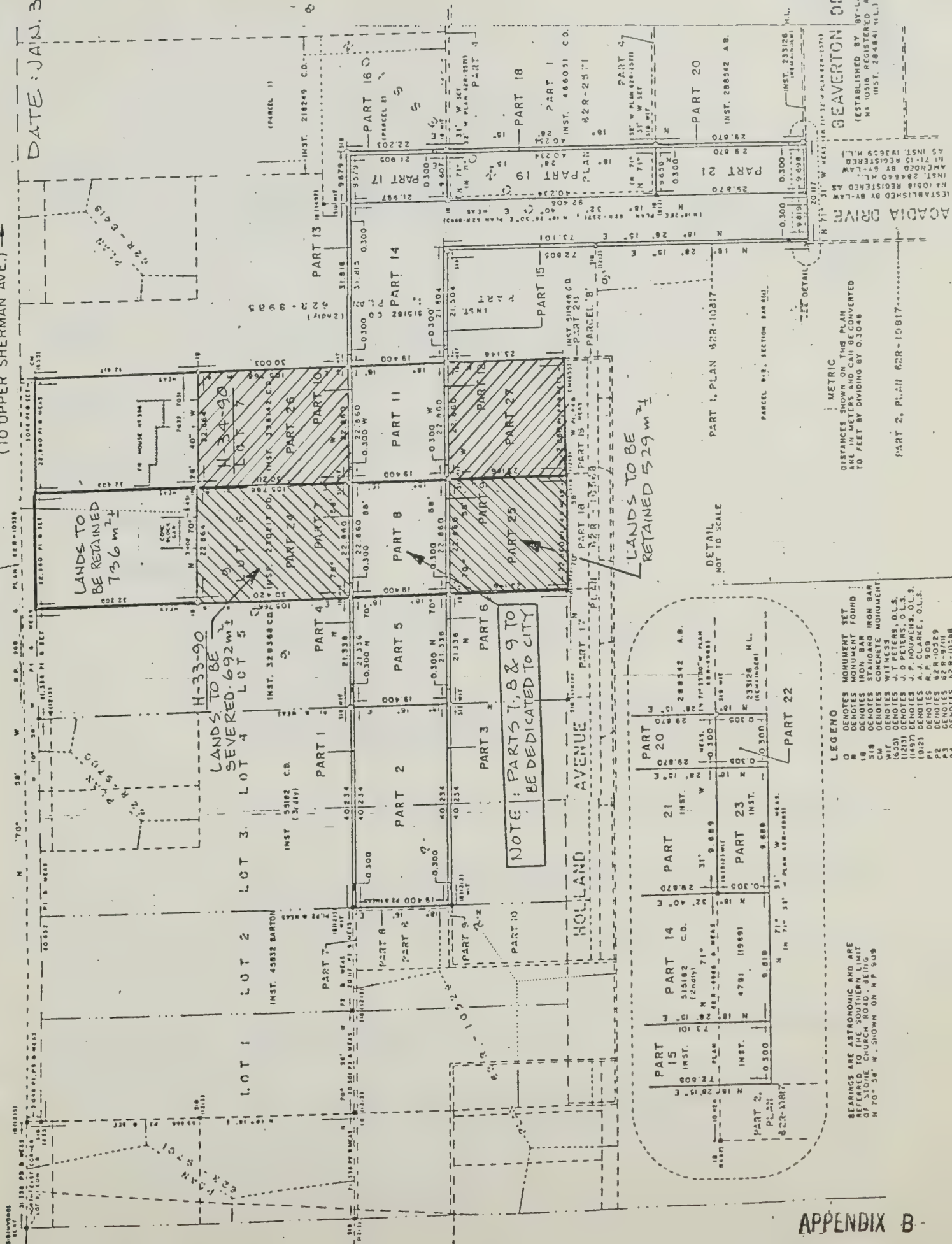
"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.



"C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

(TO UPPER SHERMAN AVE.) →

DATE: JAN. 31, 1990



APPENDIX B

FOR ACTION

REPORT TO:

SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 11, 1990
COMM. FILE:
DEPT. FILE: SA-89-26
ZA-89-111
25T-89037

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Proposed Draft Plan of Subdivision "Sharif Estates".
Proposed Rezoning Application.

RECOMMENDATIONS

1. Subdivision Application

- a) That approval be given to Application SA-89-26 Yaser Sharif, owner, to establish a draft plan of subdivision on the east side of Upper Paradise Road south of Skyview Drive, subject to the following conditions:
1. That approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated October 20, 1989 revised to show 38 lots, Block "39" for a day care centre and a 9.0 m wide walkway, Block "40".
 2. That the streets be dedicated to the City of Hamilton as public highway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform to the zoning by-law approved under The Planning Act.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 6. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Yaser Sharif, Hamilton, Ontario.

Surveyor

Guido Consoli, Hamilton, Ontario.

Location

The lands, comprising 2.312 ha, are located east of Upper Paradise Road and south of Skyview Drive in the Falkirk East Neighbourhood, City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family residence	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc) District
to the south	vacant	"AA" (Agricultural) District
to the west	single-family dwelling	"AA" (Agricultural) District
to the east	single-family dwellings	"B-2" (Suburban Residential) District modified

Subdivision Proposal

The owner proposes to subdivide the lands into 38 lots for single-family dwellings, one block (Block "39") for a Day Care Centre and one block (Block "40") as a walkway.

Rezoning Proposal

The owner has requested that the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District for Blocks "1" and "2", and be modified to allow for a day care centre for up to ninety-five children on Block "2".

Existing Development Controls

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for single and semi-detached units. The proposal complies.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the zoning by-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Transportation;
- o Ministry of Natural Resources;
- o Ministry of the Environment (subject to standard noise condition);
- o Ministry of Culture and Communications (subject to standard condition);
- o Hamilton Region Conservation Authority;
- o Union Gas, Bell Canada, Ontario Hydro;
- o City of Hamilton Board of Education;
- o City of Hamilton Traffic Department;
- o City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations (on the basis of the originally submitted plan):

FOR INFORMATION:

- 1) Public watermains are available on Upper Paradise Road and Sundown Drive to service the proposed development.
- 2) Storm and Sanitary sewer services for this development are dependent on the installation of storm and sanitary sewers on Upper Paradise Road, which are scheduled for completion in the Fall of 1991.
- 3) The proposed extension of Sundown Drive must align centre line to centre line with the existing portion of Sundown Drive.

RECOMMENDATIONS:

- 1) That the proposed development not be registered until the construction of storm and sanitary sewer services for Upper Paradise Road have been approved.
- 2) The 4.5 metre radius transition into the cul-de-sac bulb on Sharif Drive be changed to a 9.0 metre radius.
- 3) The owner must enter into a Subdivision Agreement with both the City and Region prior to the development of any portion of these lands.

The submitted plan as prepared by G. V. Consoli, O.L.S. and dated October 20, 1989 is satisfactory to the Department of Engineering subject to the above noted comments and recommendations.

2. Rezoning Application:

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority.

o The Building Department has advised that:

"A day nursery shall conform to Section 9(1)(iii) of By-law 6593"

- o The Traffic Department has advised that:

"We have reviewed this application and find it satisfactory provided that Block 39 is placed under Site Plan Control. This will ensure that adequate access and parking facilities are provided. We suggest that the proposed day care centre (Block 39) have access from Sharif Drive."

- o The Hamilton-Wentworth Social Services Department has advised that:

"In reference to the above amended Zoning Application, there does not seem to be any problem as far as our Division is concerned.

Secondly, the area must be fenced in; however, this is a requirement which does not necessarily need any additional space."

- o The Ministry of Community and Social Services has advised that:

"The site proposed by the applicant, Mr. Sharif, is in close proximity to several established day care centres. Within a three mile radius there are five full-day centres which have a total licensed capacity of five hundred and twenty-four children. There are also two half-day nursery school programs in the same radius.

In addition to the established centres referred to above, there are two new day care centres in the vicinity which are well advanced in their planning stages. One of these will be in the new elementary school, Saint Vincent de Paul, which has recently been opened by the Hamilton-Wentworth Roman Catholic School Board on Greencedar Drive. It is to be licensed for thirty-two children. The second will be in a new secondary school to be established by the same board on a property adjacent to that for which the zoning amendment has been requested. It is expected that the licensed capacity of this day care centre will be forty-eight.

Because the West Mountain of Hamilton is being well served by the child care community, we are concerned that Mr. Sharif's proposed large operation may have difficulty in attracting families and as a result, experience some financial difficulties.

Should Mr. Sharif's request for a zoning amendment be granted and should he proceed with his plans to establish a day care centre, it will be necessary for him to meet the requirements of The Day Nurseries Act."

- o The Hamilton-Wentworth Engineering Department has advised that:

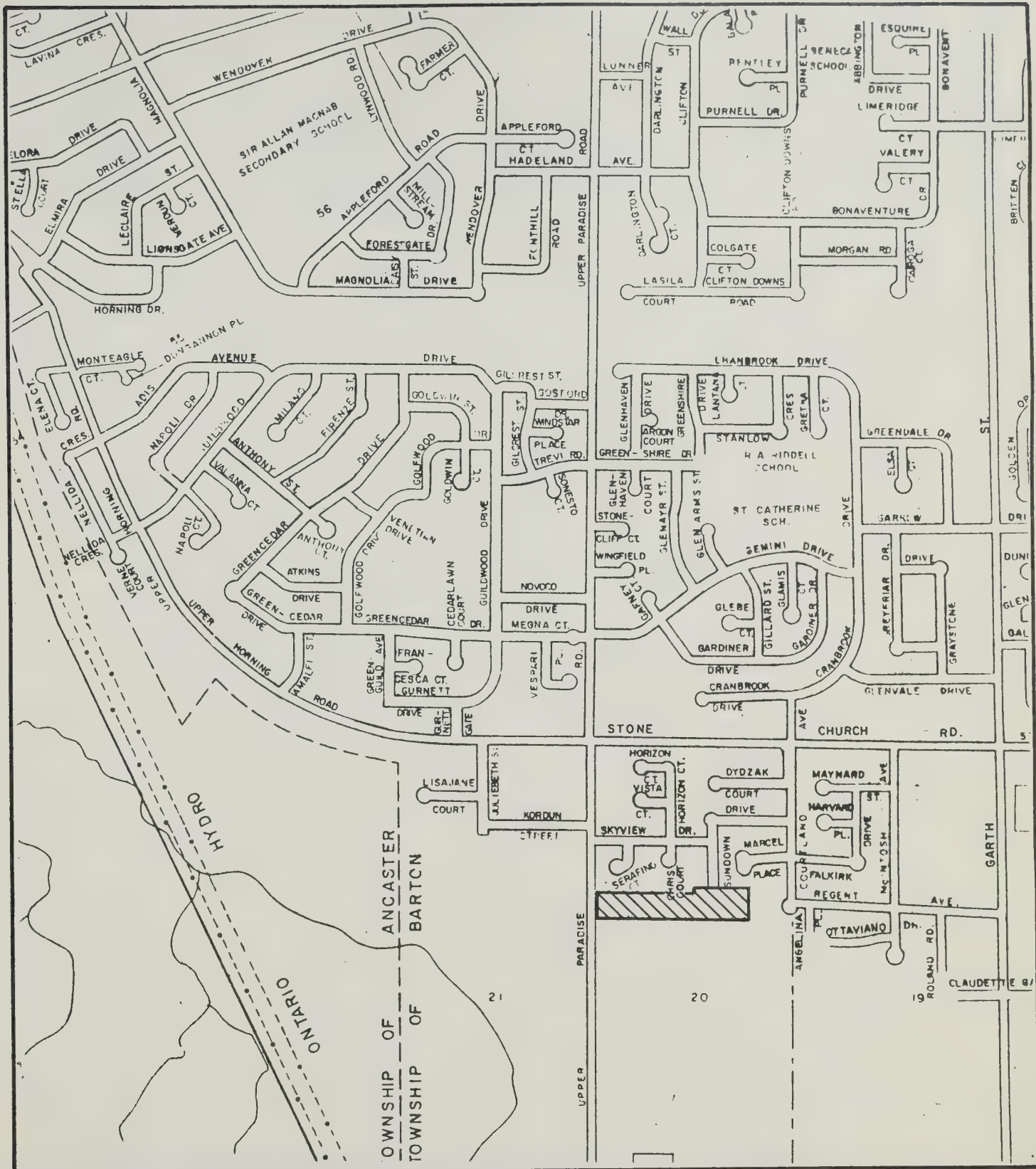
"...water services are available north of the proposed lands and on Upper Paradise to service the subject lands. Storm and sanitary sewers will likely be available in the Fall of 1991.

There are no road widenings required at this time."

COMMENTS:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. As no part of the subject land is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The plan has been revised as requested by the Planning and Development Department to widen the walkway from 3.0 m to 9.0 m.
4. The proposal to rezone Block "2" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified to permit a day nursery for a maximum of ninety-five children cannot be supported for the following reasons:
 - i) the forthcoming Day Nurseries By-law will permit a maximum of twenty-five children in the "C" (Urban Protected Residential, etc.) District. The current provisions of the "C" District permit a day nursery for twenty-five children or one child per 5.5 m² of outside play area, whichever is less. In this respect, the maximum number of children permitted in a day nursery in this zoning district, under the current and proposed future policy, is twenty-five. The report respecting the review of Day Nurseries identified that a day nursery of a size greater than twenty-five children can create substantial noise and traffic problems in a low density residential area. This figure was chosen in order to resolve the operational viability of a day nursery and the potential impacts (traffic, noise, and parking) that increases in size would generate. As the proposed day nursery is for ninety-five children (approximately four times that which is permitted in the "C" District) and will be immediately adjacent to low density residential development, the size conflicts with the intent of the adopted policy of Council. Further, a day nursery for 95 children would be an overintensification of land use and would be incompatible with the surrounding uses; and,

- ii) there are a number of day nurseries in this area (see APPENDIX "C"). The Ministry of Community and Social Services has advised that there are five day nurseries and two half-day nursery programs currently operating in this area. These programs have a licensed capacity of 524 children. There are also two planned day nurseries in this area with a combined capacity of 80 children. The Ministry has advised that the West Mountain is currently well served by Day Nurseries.
5. An amended proposal to rezone Blocks "1" and "2" to "C" (Urban Protected Residential, etc.) District can be supported for the following reasons.
- i) it implements the intent of the Official Plan and the approved Falkirk East Neighbourhood Plan;
 - ii) the requested zoning would be appropriate for the lands given the surrounding zoning and land use; and,
 - iii) a day nursery for a maximum of twenty-five children would be appropriate for Block "2". This is consistent with the existing and future proposed zoning regulations regarding day nurseries in the "C" District. In addition, the proposed day nursery would be located at the periphery of the proposed development (adjacent to Upper Paradise Road). This would allow easier access to the day nursery for parents and would not impede traffic flow in the interior of the neighbourhood.
6. The forthcoming Day Nurseries By-law recommends that all new day nursery developments be placed under Site Plan Control in order that matters such as access, fencing and landscaping may be addressed. Accordingly, Block "2" should be placed under Site Plan Control.



Location Plan For

SHARIF ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

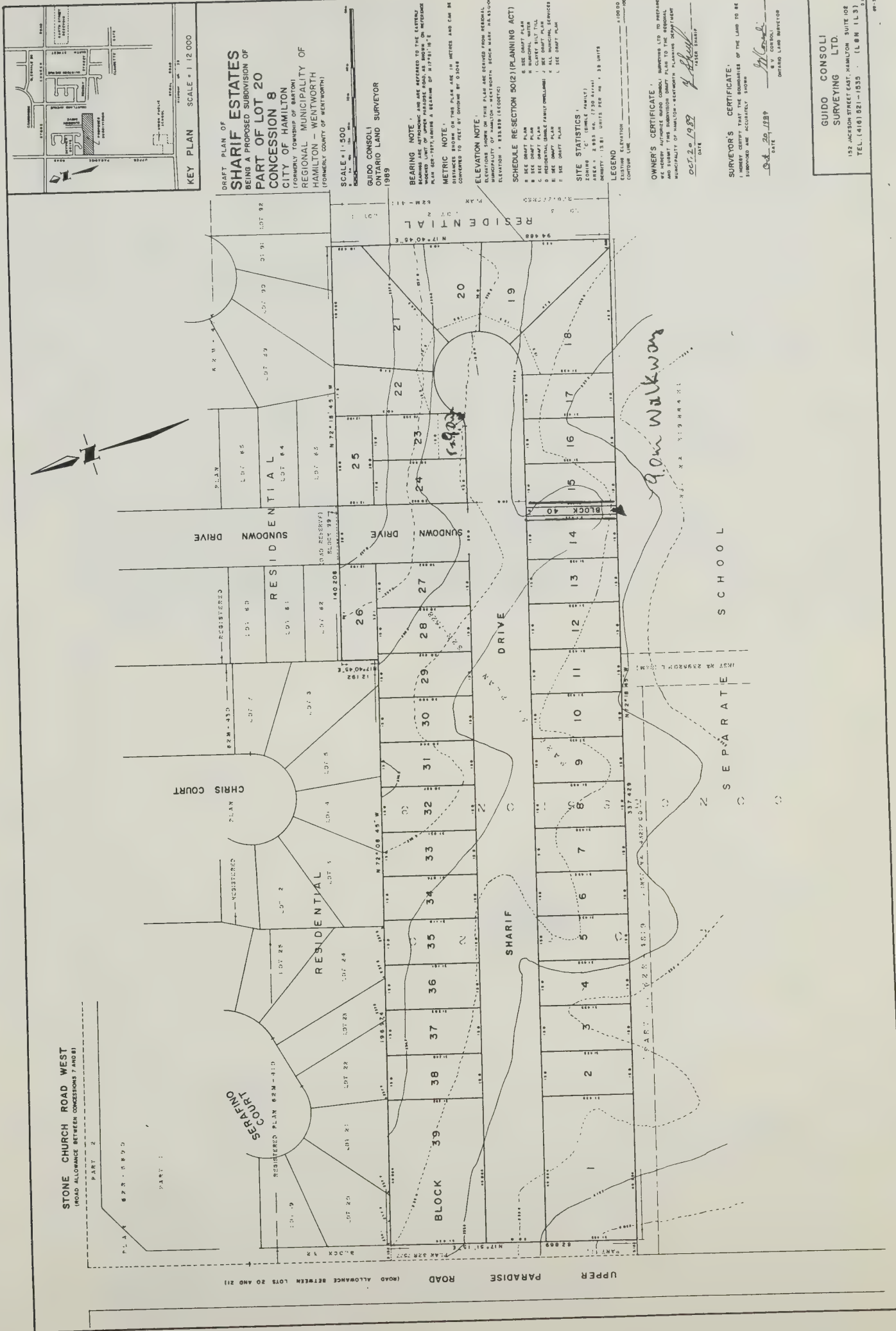


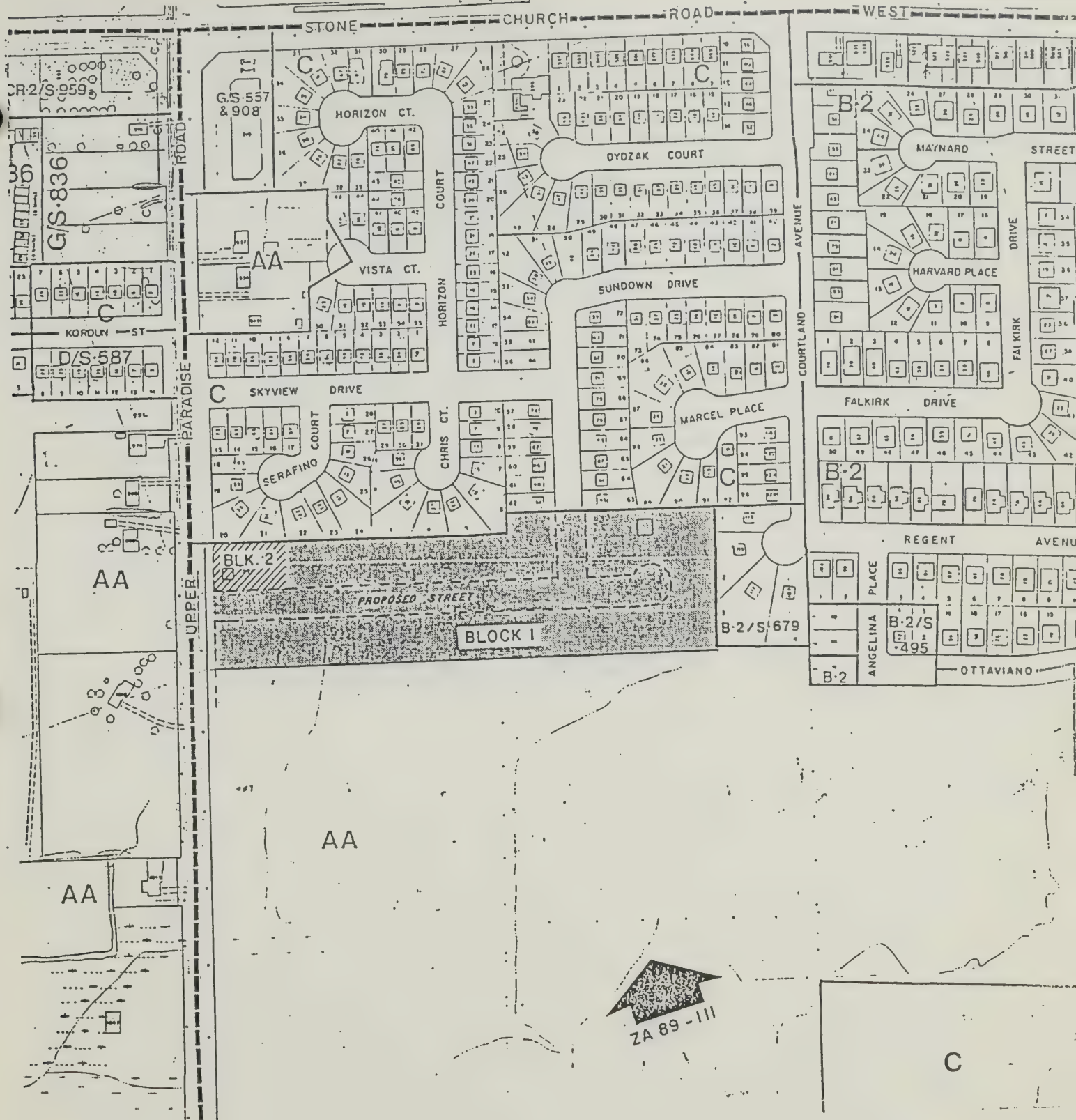
Scale
N.T.S.

Date
NOV. 13, 1989

Reference File No.
25T-89037

Drawing No.



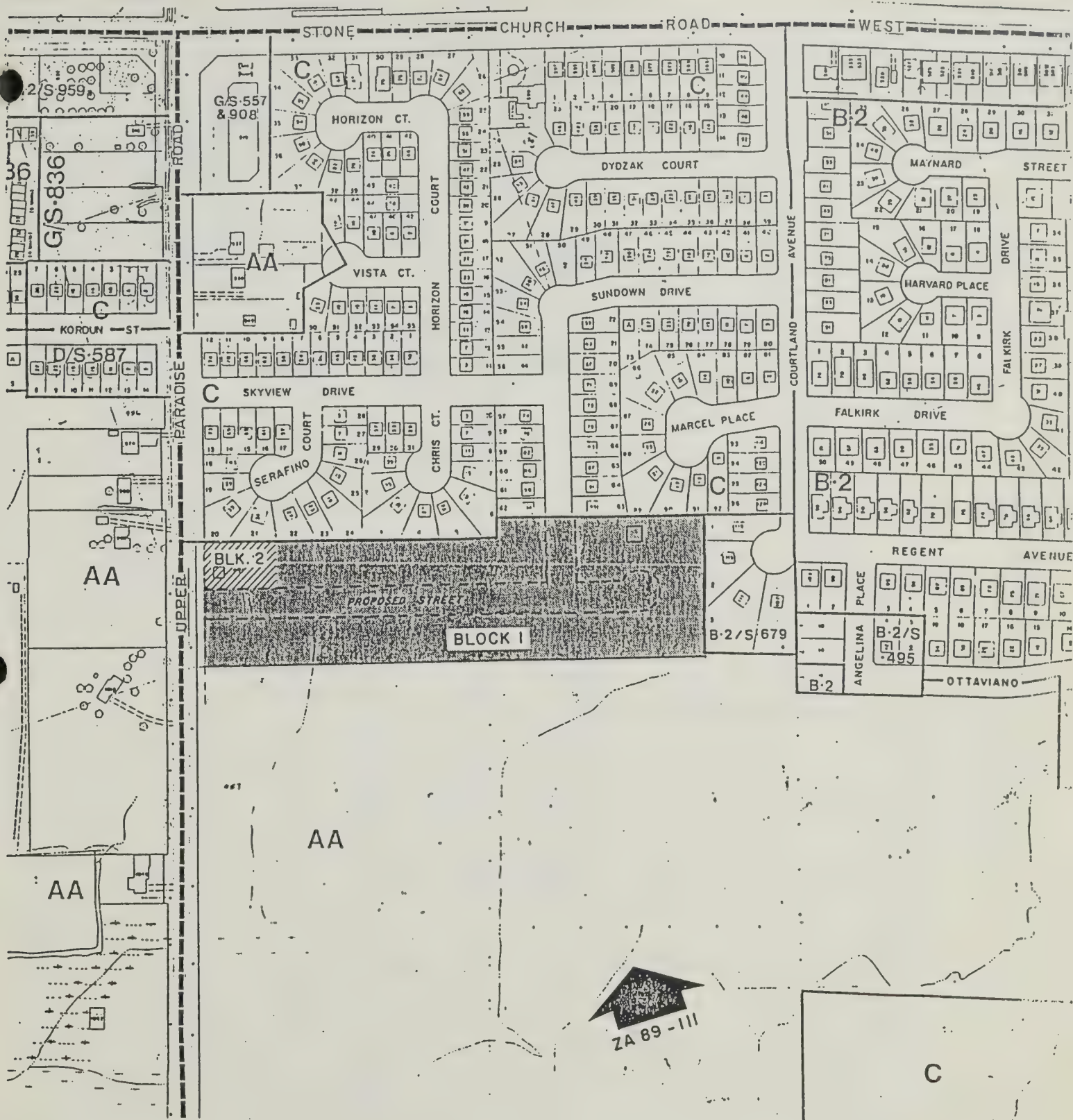


LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO

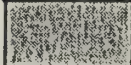

BLOCK 1  "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCK 2  "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED.



LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO

- BLOCK 1  "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
- BLOCK 2  "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT

[illegible]

- * Site of the Application
- E Existing Day Nursery
- C Day Nursery Under Construction



10.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 3, 1990

COMM. FILE:

DEPT. FILE:

ZA-89-114

Eleanor

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - lands at the rear of No. 1490 Upper Gage Avenue.

RECOMMENDATION

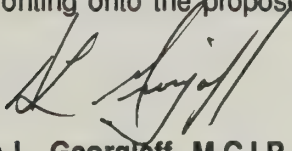
That approval be given to Zoning Application 89-114, Daniel Stuart Alvey, agent for the owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-family Detached) District to create three building lots for small lot single-family detached dwellings, for property located at the rear of No. 1490 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located at the rear of No. 1490 Upper Gage Avenue, as shown on the attached key map.

The effect of the By-law is to create three (3) building lots for small lot single-family detached dwellings, fronting onto the proposed extension of Elmore Drive.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to sever three lots from the rear of the lands at No. 1490 Upper Gage Avenue. The proposed three lots will front onto the proposed extension of Elmore Drive.

APPLICANT

Daniel S. Alvey, agent for the owner.

LOT SIZE AND AREA

- o 30.48 m (100 feet) of lot width;
- o 47.85 m (157 feet) of lot depth; and,
- o 1,458.5 m² (15,700 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north and south	vacant	"AA" (Agricultural) District
to the west	vacant	"D" (Urban Protected Residential, One and Two Family Dwelling, Townhouses) District, modified
to the east	single-family residence	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal complies.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Eleanor Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

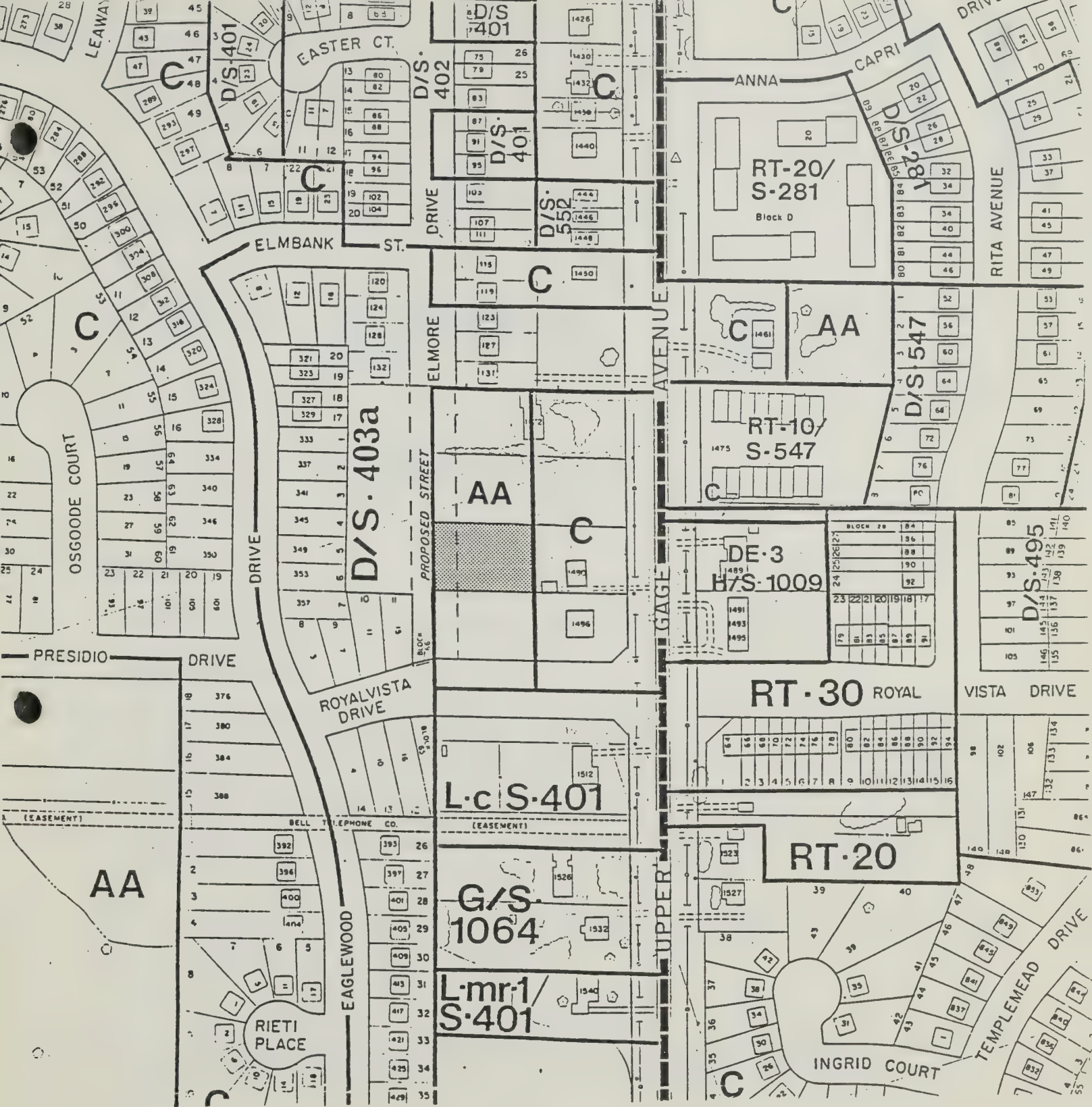
- o The following agencies have no comment or objection:
 - Hamilton-Wentworth Regional Police;
 - Hamilton Region Conservation Authority; and,
 - Building Department.
- o The Traffic Department has advised that the application is "satisfactory"
- o To date the Hamilton-Wentworth Engineering Department has not submitted any comments.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Eleanor Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - a) it implements the intent of the Official Plan and the approved Eleanor Neighbourhood Plan;
 - b) the requested change in zoning would be appropriate for the proposed development; and,
 - c) the requested change in zoning is consistent with the existing and future planned development in the area.
4. The applicant will have to apply to the Land Division Committee to sever the proposed three lots. Any requirements for land dedication for road widenings, etc. will be dealt with through the severance process.

CONCLUSION

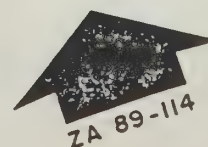
Based on the foregoing, the application can be supported.



LEGEND



SITE OF THE APPLICATION



FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 10, 1990

COMM. FILE:

DEPT. FILE:

ZA-90-12

Eleanor
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - property located at No. 1574 Upper Gage Avenue.

RECOMMENDATION

That approval be given to Zoning Application 90-12, Alena Miller, owner, requesting a change in zoning from "L-mr-1" (Planned Development-Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified (Block "2"), to permit a single-family dwelling on Block "1", and either a single-family dwelling, a two-family dwelling or townhouse dwelling having 3 units on property located at No. 1574 Upper Gage Avenue (Block "2"), as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District;
- iii) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the lands described as Block "2", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 10D(7)(a) of By-law No. 6593 a townhouse dwelling having a maximum of only 3 single-family dwelling units shall be permitted;

- b) That notwithstanding Section 10D(7)(b) of By-law No. 6593 a minimum lot width of 20.20 m shall be permitted.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38C be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- vii) That the Eleanor Neighbourhood Plan be amended by redesignating Block "1" from "ATTACHED HOUSING" to "SINGLE and DOUBLE" residential.

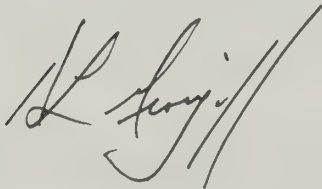
EXPLANATORY NOTE

The purpose of the by-law is to provide for changes in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District, modified (Block "2"), for property located at No. 1574 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

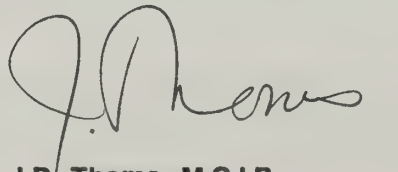
The effect of the by-law is to permit a single-family detached dwelling on Block "1", and either a single-family detached dwelling, a two-family dwelling or 3 unit townhouse dwelling on Block "2".

In addition, the By-law provides for the following variances as special requirements:

- to restrict the maximum number of townhouse dwelling units on Block "2" to three (Section 10D(7)(a));
- to permit a minimum lot width of 20.20 m for townhouse development on Block "2" instead of the required 27.0 m (Section 10D(7)(b)).



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

The purpose of the proposed change in zoning is to permit the construction of a single-family detached dwelling on Block "1", and for Block "2" either a single-family detached dwelling, a two-family dwelling or townhouse dwelling having 3 units.

● Land Severance Application

At its meeting held on February 20, 1990, the Regional Land Division Committee considered and approved land severance application H-32-90 to convey a vacant parcel of land measuring 34' x 130' for a single-family dwelling to be developed in conjunction with an adjoining 6' x 120' strip of "C" zoned land, and to retain the balance of the holding (irregular in shape), measuring 66.28' x 282.99' occupied by a single-family dwelling. The application was approved conditional upon, among other things, the applicant submitting proof of final approval of any necessary change of zoning/zoning amendment.

APPLICANT

Alena Miller, owner.

LOT SIZE AND AREA

- 30.56 m (100.28 ft.) of lot frontage on Upper Gage Avenue;
- 86.25 m (282.99 ft.) of lot depth; and,
- 2,636.33 m² (28,378.24 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"L-mr-1" (Planned Development - Multiple Residential) District

Surrounding Lands

to the north	vacant	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "ATTACHED HOUSING" on the approved Eleanor Neighbourhood Plan. The proposal to permit townhouse development (Block "2") complies, however, single-family development would require redesignation from "ATTACHED HOUSING" to "SINGLE and DOUBLE" residential (Block "1").

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet).

In accordance with this designation, we recommend that as a condition of severance approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centreline of Upper Gage Avenue as shown on Survey Plan P-3535 adjacent to lands to be severed.

Any works which may occur within the Upper Gage Avenue road allowance, as widened, must conform to the Region's Road Use By-law.

The applicant should be advised that the elevations of the property and the access at the widened Upper Gage Avenue road allowance limit should be approximately the same as the existing corresponding perpendicular centreline elevation of Upper Gage Avenue to ensure that this property is compatible with our future reconstruction and widening plans."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal to permit a single-family dwelling lot (Block "1") would require redesignation of the approved Eleanor Neighbourhood Plan from "ATTACHED HOUSING" to "SINGLE AND DOUBLE" residential.
3. The application has merit and can be supported for the following reasons:
 - a) it complies with the intent of the Official Plan;
 - b) the proposal implements the intent of the approved Eleanor Neighbourhood Plan;
 - c) the proposed townhouse development would comply with the intent of the "L-mr-1" (Planned Development - Multiple Residential) District which provides for future multiple residential or attached housing development. In this regard, the requested "D" District would permit attached housing subject to the "RT-10" (Townhouse) District regulations. Because the "C" and "D" Districts are not designated districts to which the "L-mr-1" District can be changed to, it will be necessary to first rezone the site from "L-mr-1" (Planned Development - Multiple Residential) District to an "L-r" (Planned Development - Low Density Residential) District;

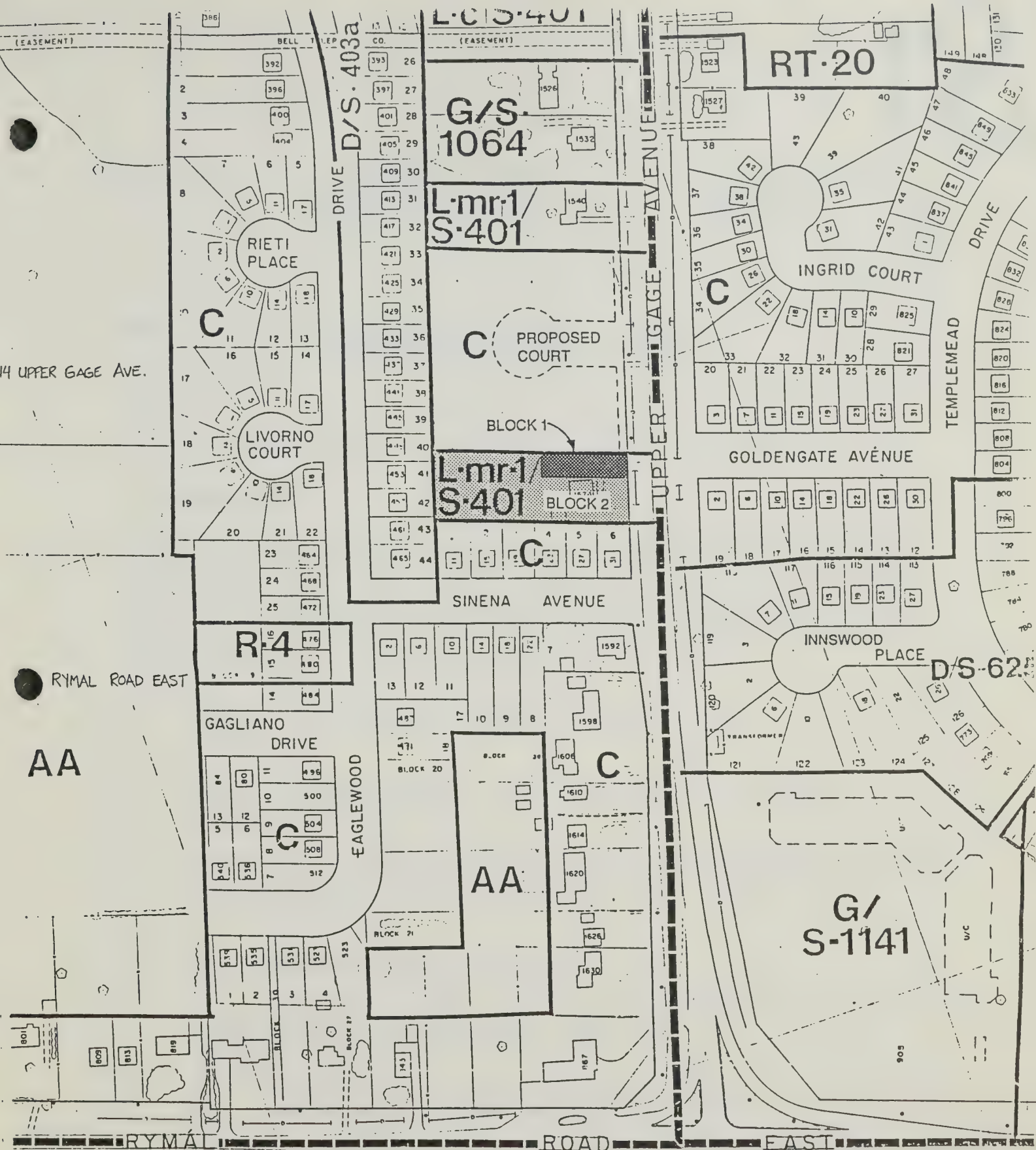
d) it implements the condition of rezoning required by the Regional Land Division Committee in connection with the land severance application filed by the applicant.

4. The lands to be conveyed through the land severance application (Block "1") would have sufficient lot frontage and area to meet with the requested "C" (Urban Protected Residential, etc.) District regulations. The land to be retained for either a single-family dwelling, two-family dwelling or townhouse dwelling (Block "2") would involve a minor variance to the required lot width for a townhouse development (20.20 m proposed - 27.0 m required). Taking into consideration the irregular shape of the property being retained and the fact that there would be sufficient lot area to permit a townhouse development, the requested variance can be supported.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/bs/ma
A:\ZA9012



Legend

Proposed change in zoning from:



"L-mr-1" (Planned Development - Multiple Residential) District, modified to
"C" (Urban Protected Residential, etc.) District.



"L-mr-1" (Planned Development - Multiple Residential) District, modified to
"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.



FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 10, 1990

COMM. FILE:

DEPT. FILE:

ZA-90-16

Eleanor

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue.

RECOMMENDATION

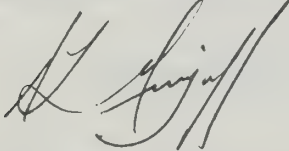
That approval be given to Zoning Application 90-16, H.C. Harnden and H.A. Anderson, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
- iii) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following as a special provision:
 - i) That Section 10E(2)(a)3 shall not apply;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38D be notated S- ;
- vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

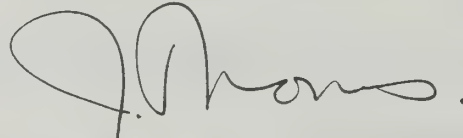
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "2", as shown on the attached key map.

The effect of the By-law is to permit future development of the subject properties for townhouses or maisonettes. In addition, the By-law prohibits street townhouse development.



A.L. Georleff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Committee

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicants' intention to build maisonettes or townhouses. The existing buildings would be demolished.

o Zoning Application 87-112 (Nos. 1610, 1614, 1620 and 1626 Upper Gage Ave).

In 1987, the lands were subject to a rezoning application. The applicant proposed an eight storey apartment building fronting onto Upper Gage Avenue. A similar development was proposed for the adjacent lands to the southeast which front onto Rymal Road East. City Council denied both applications.

In light of these proposed developments, the Planning and Development Committee requested a review of these lands.

The applicant appealed Council's decision to the Ontario Municipal Board. The Board dismissed the appeal and, in its decision, considered the proposed development to be premature pending the completion of site plans for the lands. In addition, the Board suggested that a determination be made as to the future land uses on the remaining medium density designation.

o Neighbourhood Plan

In 1989, the Planning and Development Department undertook an extensive land use review for the north-west corner of Upper Gage Avenue and Rymal Road East. The review identified various land use options for the area.

On November 1, 1989, the Planning and Development Committee held a public meeting to discuss the land use review. The Committee approved a designation of "COMMERCIAL AND APARTMENTS" (minimum 50% residential) on Rymal Road East and "ATTACHED HOUSING" for the remainder of the study area (see APPENDIX "B").

APPLICANT

Hilliard C. Harnden and Helen A. Anderson, owners.

LOT SIZE AND AREA

- o 74.98 m (246 feet) of lot frontage on Upper Gage Avenue;
- o 91.41 m (299.90 feet) of lot depth; and,
- o 6,853.9 m² (73,777.4 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family residences	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north and south	single-family residences	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	vacant	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"G" (Neighbourhood Shopping Centre, etc.) District modified

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - ii) Alteration of traffic flows;
 - iii) Improvement and maintenance of street landscaping;
 - iv) Other similar actions or matters as Council may deem appropriate."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "ATTACHED HOUSING" on the approved Eleanor Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:

- Building Department; and,
- Hamilton Region Conservation Authority.

- o The Traffic Department has advised that:

"We have reviewed the above-noted application and find it satisfactory subject to the restriction that no street townhouses be allowed with direct access to Upper Gage Avenue."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermain as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet). In accordance with this designation, we recommend that as a condition of development approval

that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centreline of the original Upper Gage Avenue road allowance.

In the absence of any plans being submitted, we advise that any works which may occur within the widened Upper Gage Avenue road allowance must conform to the Region's road use By-law.

All setbacks are to be taken from the widened limits of Upper Gage Avenue. This application appears to conform to the intent of the approved Neighbourhood Plan."

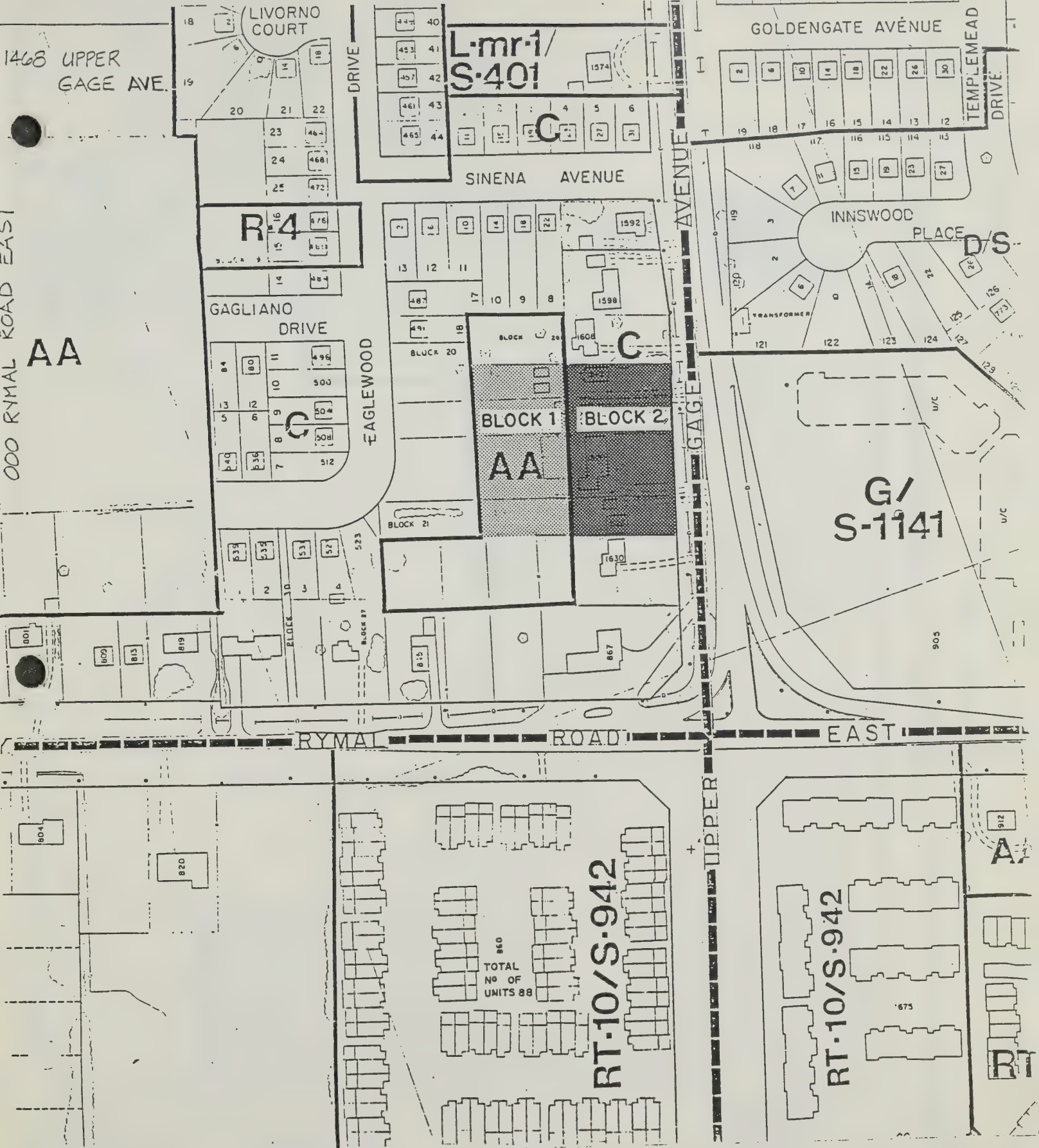
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Eleanor Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the recently approved designation in the Eleanor Neighbourhood Plan;
 - ii) the requested change in zoning would be appropriate for the proposed development; and,
 - iii) the proposed change in zoning would be consistent with the existing and planned future development in the area.
4. Given the concerns of the Traffic Department, it would be appropriate to restrict the proposed zoning to townhouse - maisonettes only.
5. The "RT-20" (Townhouse-Maisonette) District is subject to Site Plan Control By-law No. 79-225, as amended by By-law No. 87-223. Concerns such as access, landscaping, and parking, etc. will be addressed at that stage of development approval.
6. An application for rezoning for No. 1606 Upper Gage Avenue (ZA-90-33), to permit townhouse development, was submitted to the Planning and Development Department on March 20, 1990. It would be appropriate if the subject lands were to be developed jointly with No. 1606 Upper Gage Avenue and the developers should be encouraged to do this.

CONCLUSION

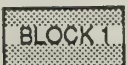
On the basis of the foregoing, the application can be supported.

MLT/ma



Legend

Proposed change in zoning from:



BLOCK 1

"AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.



BLOCK 2

"C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District.



23 464
24 468
25 472

465 44
SINENA AVE.

GAGLIANO DR.

EAGLEWOOD DR.

UPPER GAGE AVE.

RYMAL ROAD EAST

Residential

Single and Double

Attached Housing

Planting Strip

Commercial and Apartments
(Min. 50% Residential)

Land Use Review Area



Approvals
Planning Comm Nov 1989
Council
Latest Map Amendment

Map 1

PROPOSED PLAN

APPENDIX B

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 4, 1990

COMM FILE:

DEPT FILE: ZA-90-02

Rymal

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification of zoning - Nos. 70 and 80 Lancing Drive.

RECOMMENDATION:

That approval be given to Zoning Application 90-02, Juan Puig, owner, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit the wholesale of steel and steel products, on property located at Nos. 70 and 80 Lancing Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- a) That notwithstanding Section 17F(1)(b), the following additional commercial use shall be permitted:

Commercial Use

S.I.C. Identification

Iron and Steel
Primary Forms and Structural Shapes,
Wholesale

5611

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations for properties located at Nos. 70 and 80 Lancing Drive as shown on the attached map.

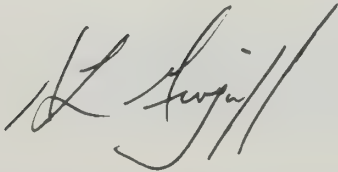
The effect of the By-law is to permit the following additional commercial use:

Commercial Use

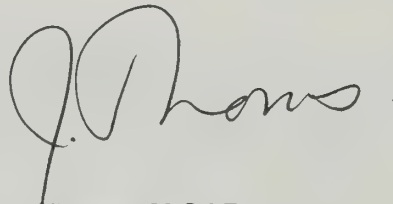
Iron and Steel
Primary Forms
and Structural
Shapes, Wholesale

S.I.C. Identification

5611



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicants intention to allow, in addition to the uses permitted under the "M-14" (Prestige Industrial) District regulations, the wholesale of steel and steel products.

- Application for Site Plan Approval

On November 24, 1989 site plans submitted with respect to property located at No. 70 Lancing Drive were approved by the Planning and Development Committee subject to, among others, the following condition:

"...that the proposed use must be in conformance with the Zoning regulations of By-Law #6593 and to the satisfaction of the Hamilton Building Department, and that a "wholesale steel warehouse" is not permitted unless the by-law is modified."

In this regard, the Building Department has advised that a wholesale steel warehouse (S.I.C. 5611) is not allowed in any "M" zones.

APPLICANT:

Juan Puig, owner.

LOT SIZE AND AREA:

- 84.935 m (278.66 ft.) of lot frontage on Lancing Drive;
- 99.03 m (324.92 ft.) of lot depth; and,
- 8,408.565 m² (90,512.0 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two industrial buildings	"M-14" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	multi-tenancy industrial building	"M-12" and "M-14" (Prestige Industrial) District
to the south	industrial building	"M-14" (Prestige Industrial) District
to the east	industrial uses	"M-14" (Prestige Industrial) District
to the west	banquet centre and multi-tenancy industrial buildings	"M-12" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and within Special Policy Area 11 on Schedule "B". The following policies apply:

- "2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
- 2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- 2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

On the basis that the wholesale operation will be operated in conjunction with a steel and steel products warehouse establishment, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial" in the approved Mountain Industrial Neighbourhood Plan. Approval of the application would not involve a redesignation as the additional use is minor in nature.

COMMENTS RECEIVED:

- The Building Department has advised that:

A wholesale steel warehouse is not allowed in any of the "M" zones (S.I.C. 5611).

- The Traffic Department, Hamilton Region Conservation Authority, Hamilton Wentworth Regional Police Department and the Real Estate Department have no comments or objections.

- The Economic Development Department has advised that they have "no objections to the proposed planning amendment. A modification to the "M-14" will coincide with similar zoning adjacent to the said properties near Unsworth Drive."
- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

Any works in the Lancing Drive road allowance are to conform to the City of Hamilton Streets By-law.

All other previous comments under Site Plan Control Applications DA-87-57 and DA-89-85 are still applicable to this application."

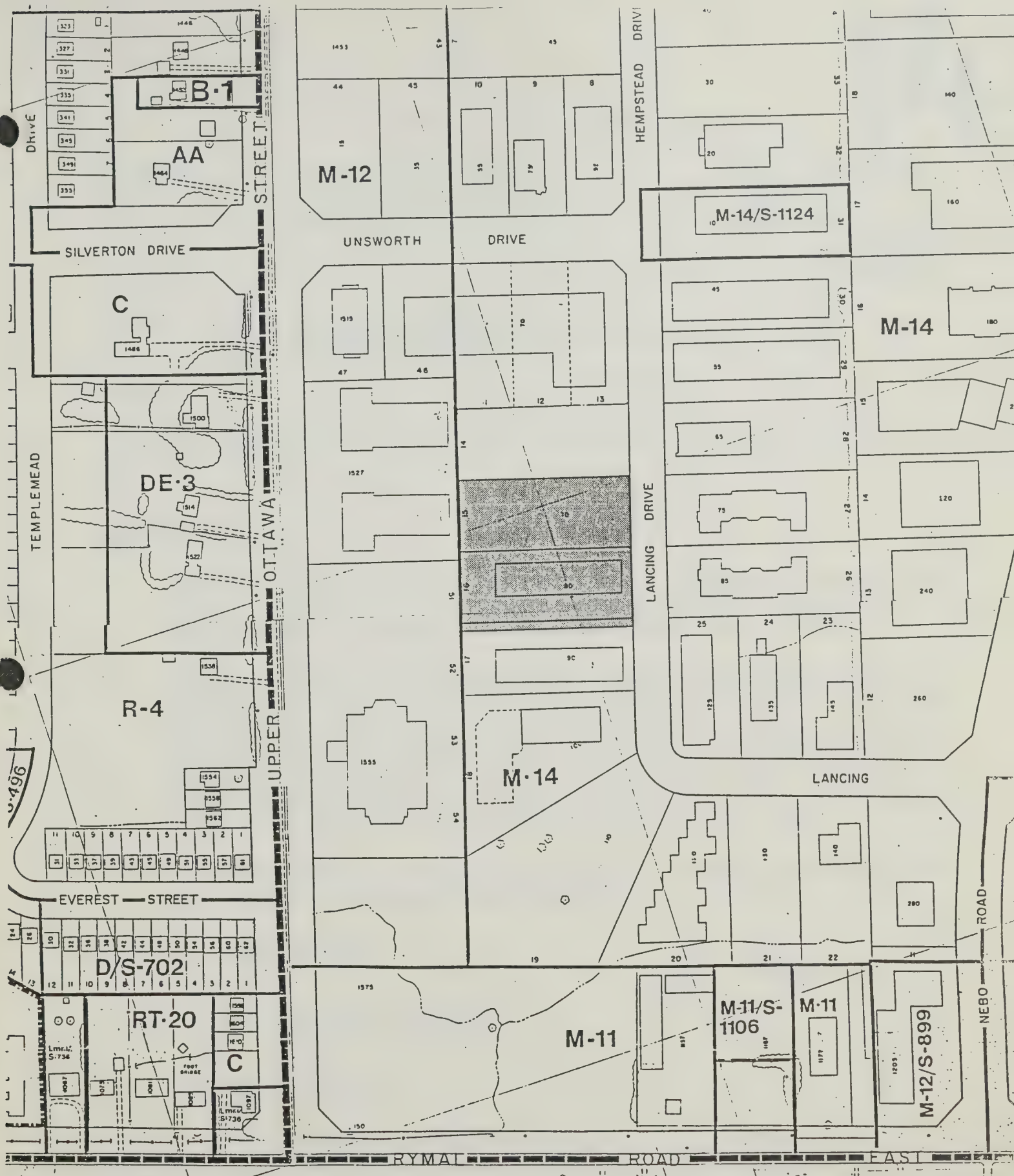
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Mountain Industrial Area Plan. Approval of the application would involve redesignation to "Restricted Industrial/Commercial" which is not recommended.
3. The application has merit and can be supported for the following reasons:
 - i) it complies with the intent of the Official Plan;
 - ii) wholesaling would be ancillary to the principal permitted use of the site which is a general merchandise warehouse (S.I.C. No. 4799), and as such would not affect the character of uses, existing or proposed, in this area;
 - iii) the wholesale function of the business is confined to the office area of the building, which floor area is restricted by the Zoning By-Law; and,
 - iv) it is no less feasible than the other permitted uses under the "M-14" District (e.g. Lumber, Plywood and Millwork, Wholesale 5631; Farm Machinery Equipment and Supplies, Wholesale 5711; Construction and Forestry Machinery, Equipment and Supplies, Wholesale 5721; Mining Machinery, Equipment and Supplies, Wholesale 5722, etc.).

CONCLUSION

On the basis of the foregoing, the application can be supported.

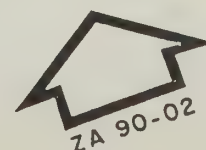
GW/NS/ma
WPZA9002



LEGEND



SITE OF THE APPLICATION



FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

14.
DATE: April 10, 1990
COMM. FILE:
DEPT. FILE: ZA-90-15
Hannon North
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a further modification in zoning - Land on the west side of Anchor Road in the area south of Stone Church Road East.

RECOMMENDATIONS:

- 1) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- 2) That approval be given to Zoning Application 90-15, M. Mercanti, owner, requesting a further modification to the "M-13" (Prestige Industrial) District regulations, to permit the development of the subject lands for a 50 room motel/hotel, two banquet halls having 200 seats each and a Wedding Centre containing a catering business, limousine service, bridal boutique, video store, jewellery shop, flower/balloon shop, video/photo studio, gift shop, travel agency, and chapel, for lands located on the west side of Anchor Road in the area south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That notwithstanding Sections 17E(1)(a), (c) and (d), a wedding centre comprised of one or more of the following uses shall be permitted:

Residential Uses

S.I.C.

Identification No.

- 1) Hotel (max. 50 rooms); or,
- 2) Motel (max. 50 rooms)

9111
9112

Commercial Uses

- 1) Other Transportation Services n.e.c.,
(restricted to a limousine service
(exc. airports and stations))

4589

2)	Womens Clothing Store (restricted to a Bridal Boutique)	6131
3)	Florist Shop	6521
4)	Jewellery Store	6561
5)	Gift, Novelty & Souvenir Store (restricted to a gift shop and balloon store)	6582
6)	Operators of Non-Residential Buildings (restricted to two banquet halls maximum capacity of 200 persons each)	7512
7)	Caterers	9214
8)	Motion Picture Video Production (restricted to video production)	9611
9)	Religious Organizations (restricted to a chapel)	9811
10)	Photographers	9931
11)	Ticket and Travel Agency	9961

Industrial Use

- | | | |
|----|-----------------------------|------|
| 1) | Dry Pasta Products Industry | 1092 |
|----|-----------------------------|------|
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-658c, and that the subject lands on Zoning District Map E-69B be notated S-658c;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69B for submission to City Council;
 - iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the "M-13" (Prestige Industrial) District regulations for the property located on the west side of Anchor Road in the area south of Stone Church Road East, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for a wedding centre comprised of one or more of the following uses:

Residential Uses

- o Hotel (maximum 50 rooms); or
- o Motel (maximum 50 rooms)

Commercial Uses

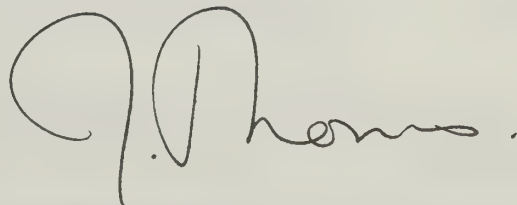
- o Two banquet halls, having 200 seats each;
- o Catering business;
- o Limousine service;
- o Bridal boutique;
- o Jewellery store;
- o Video/photo studio;
- o Gift shop;
- o Flower/balloon shop;
- o Chapel;
- o Travel agency.

Industrial Use

- o Manufacturing of dry pasta products.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

LOT SIZE AND AREA:

The lot is irregular in shape having:

- o 150.45 m (493.6 ft.) of lot frontage on Anchor Road;
- o 52.87 m (173.46 ft.) to 70.13 m (230.1 ft.) of lot depth; and,
- o 1.28 ha (3.16 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	proposed cultural centre	"M-13" (Prestige Industrial) District
to the south	detention home	"M-13" (Prestige Industrial) District
to the east	Carmen's Banquet Centre	"M-13" (Prestige Industrial) District
to the west	Mount Albion Conservation Area	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and within Special Policy Area 11 on Schedule "B". The following policies apply, among others:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the

following uses may be permitted within INDUSTRIAL areas:

- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment; and,
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages material suppliers, etc., which are intended to directly serve the industries and their personnel.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community like precinct such as the East Mountain Industrial Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.

A.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category."

Based on Policy A.2.3.15, the catering service, banquet hall and hotel/motel area permitted uses within the Light Industrial Area.

In addition, according to Policy A.2.3.1.i) and ii), certain commercial uses may be permitted provided they are incidental to the industrial uses or they directly serve the industries and their personnel (restricted to areas abutting major roads). However, the proposed commercial uses conflict with Policy A.2.3.1. An Official Plan Amendment is required to create a "Special Policy Area" to permit a limited number of commercial uses within the Industrial area.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial/Commercial" in the approved Mountain Industrial Area Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- o The Building Department has advised that:

"Only one (1) of the fourteen (14) uses are permitted in the M-13 zone."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as separate sanitary sewers and storm sewers are available to service the proposed development.

The designated road allowance width of Anchor Road is 30.48 m (100 feet). According to our records, Anchor Road was established to its ultimate limit by Instrument No. 98092 C.A. which incorporated Parts 1, 4 and 6 of Reference Plan 62R-4224 into the road allowance and the registration of plan M-246. Therefore, we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown, we advise that any works within the Anchor Road allowance must conform to the City of Hamilton Streets By-law.

City of Hamilton to comment on access design etc. Detailed comments on landscaping, grading etc. to be submitted at such time as site plans are forwarded to our office for review and comments."

- o The Traffic Department has advised that:

"We recommend that the landscaped area at the north end of the development be modified as shown on the attached plan to allow semi-trailers and single-unit trucks to round this corner.

There must be a 4.3 m height clearance under the canopy at the rear of the building if there is to be truck traffic in this area".

- o The Property Department has advised that:

"... this department has no objection to the rezoning as the main use is a Banquet Centre which compliments the facility across the road (Carmen's)."

- o The Economic Development Department has advised that it:

"... offers no objections to the amendment and further modification to the "M-13" (Prestige Industrial) zoning as requested by the applicant. On the surface, it would appear the majority of the uses cited by the applicant would be compatible with the existing banquet centre and not detract from the balance of the industrial park.

However, this department has concerns and strong reservations about the establishment of a hotel/motel facility. Specifically, that it would not conform properly with existing uses and that the actual viability of such a development on this site is questionable in itself".

- o The Hamilton Region Conservation Authority has advised that:

"The planning staff of the Hamilton Region Conservation Authority has considered the above noted proposal. This property backs onto Authority-owned lands known as the Mount Albion Conservation Area. Lands adjacent to the Conservation Area within the East Mountain Industrial Park are subject to M-13 District regulations. Among other things, the regulations were designed to protect the open character of the Conservation Area and to ensure compatibility of uses with the park.

When compared with industrial uses, this development may be more appropriate for the site. However, we have the following concerns for the project as proposed which we feel should be addressed before the rezoning application is considered further.

The M-13 District lands were intended for prestige industrial uses. Some of the activities contemplated within the proposed building include retail sales as well as a travel agency. These appear to be commercial uses for which M-11 lands were intended. In this connection, approval of the proposed full range of commercial uses could set an undesirable pattern for M-13 District lands.

The M-13 District regulations for this property were modified by By-law 79-252 to require a continuous 15.24 m landscape buffer strip at the rear. The applicant's plans conform to this requirement, however, the project statistics state incorrectly that only 13.5 m is required. Regardless of the intended use, the landscaped area should be finished per the agreement and plan approved for these lots by the Conservation Authority."

COMMENTS:

- 1) The proposal does not comply with the Official Plan. A site specific amendment to create a "Special Policy Area" would be required.
- 2) The proposal does not conflict with the intent of the approved Mountain Industrial Area Plan.
- 3) The proposal has merit and warrants consideration for the following reasons:
 - a) it is not out of character with the mix of established uses in the area including the banquet centre to the east, and the proposed multicultural centre to the north;
 - b) it would not undermine the establishment of future industrial uses in the area;

- c) the proposed uses would have less of an impact on the abutting open space than some of the industrial uses (i.e. distillery, musical instruments and sound recording) permitted "as-of-right" in the "M-13" District;
 - d) it is a unique concept designed for "one stop shopping" for wedding organization; and,
 - e) the hotel could serve the other industries in the area.
- 4) In response to the landscaping and height requirements, the applicant has advised that he will meet all By-law requirements including the landscaping and height provisions of Zoning By-law No. 6593 and amending By-law No. 79-252.
- 5) Under the "M-13" (Prestige Industrial) District regulations, the lands are subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. Matters such as parking, access, landscaping, grading, etc. will be dealt with during the site plan approval process.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPZA9015



14a

ZA90-13

Planning and Development Committee.

APR 6 1990

I am strongly in favour of further modification to the established "M-13" District. I feel the Banquet Hall and Wedding Centre will greatly enhance the surrounding area and local business. The Centre will bring great exposure to the Prestige Industrial District. I am behind the proposed modification 100%.

Gordon Alchini

Gordon Construction.

PROPOSED CHANGE - FURTHER MODIFICATION TO THE M-13 DISTRICT REGULATIONS
PROPERTY DESCRIPTION - WEST SIDE OF ANCHOR ROAD IN THE AREA SOUTH OF STONE
CHURCH ROAD EAST

I AM IN FAVOR OF (V)

OPPOSED TO () (PLEASE CHECK (V) WHICH)

APR 05 1990

THIS PROPOSED CHANGE

ADJUTANT GENERAL OR OCCUPANT

ADJUTANT GENERAL

ADJUTANT GENERAL

ADJUTANT GENERAL

ADJUTANT GENERAL

FOR 190

FILE-289-15 344-00003

SIGNED

PLEASE DIRECT INQUIRIES TO
PLANNING DEPT 526-4445

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 3, 1990

COMM. FILE:

DEPT. FILE:

ZA-90-30
(ZA-88-55)
Strathcona
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for removal of the 'H' (Holding) Symbol - No. 12 Ray Street South.

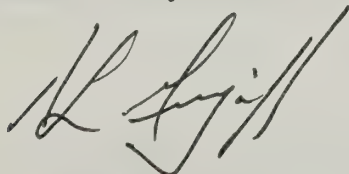
RECOMMENDATION

That approval be given to Zoning Application 90-30, Regina Pirro, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at No. 12 Ray Street South, as shown on the attached map marked as APPENDIX "A".

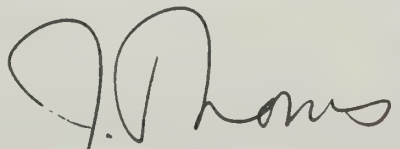
EXPLANATORY NOTE

The purpose of this by-law is to remove the 'H' (Holding) Symbol for the property located at No. 12 Ray Street South. The holding provision was placed on the subject lands until such time as adequate parking was provided on-site. In this regard, the site can accommodate four (4) parking spaces.

The effect of this by-law is to permit the conversion of the existing building for such uses as a hair dresser, beauty salon, business offices, etc. Professional offices are excluded.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o ZA-88-55

On August 17, 1988, the Planning and Development Committee approved a rezoning application to permit the conversion of the existing building for a limited number of commercial uses. An 'H' (Holding) provision was placed on the subject lands until the owner provided on-site parking facilities. At the time the application was made, an old garage was located on the property; one of the purposes behind placing the property in the holding zone was to ensure that the garage was removed. It has subsequently been torn down.

On January 10, 1989, City Council passed By-law 89-34 which was subsequently appealed to the Ontario Municipal Board by the Masonic Temple and the owner of 10 Ray Street on the basis of insufficient parking.

o Ontario Municipal Board Hearing

The Board at its Hearing of November 29, 1989, dismissed the appeals for the following reason:

"Based on the preliminary site plan submitted in evidence (Exhibit 10), the Board finds the proposed four (4) parking spaces which meet the standards of the by-law (plus the three additional potential spaces which do not meet the by-law) to be desirable provisions in mitigating some of the associated impacts of this development. These should not be considered sufficient and complete and will need to be combined with greater use of transit, parking on-street where legally permitted, use of the municipal parking lot and client drop-off and pick-up. However, with specific regard to the rezoning of land uses proposed, the Board finds these four spaces to be adequate, although that final determination will be up to Council when it considers removal of the "H".

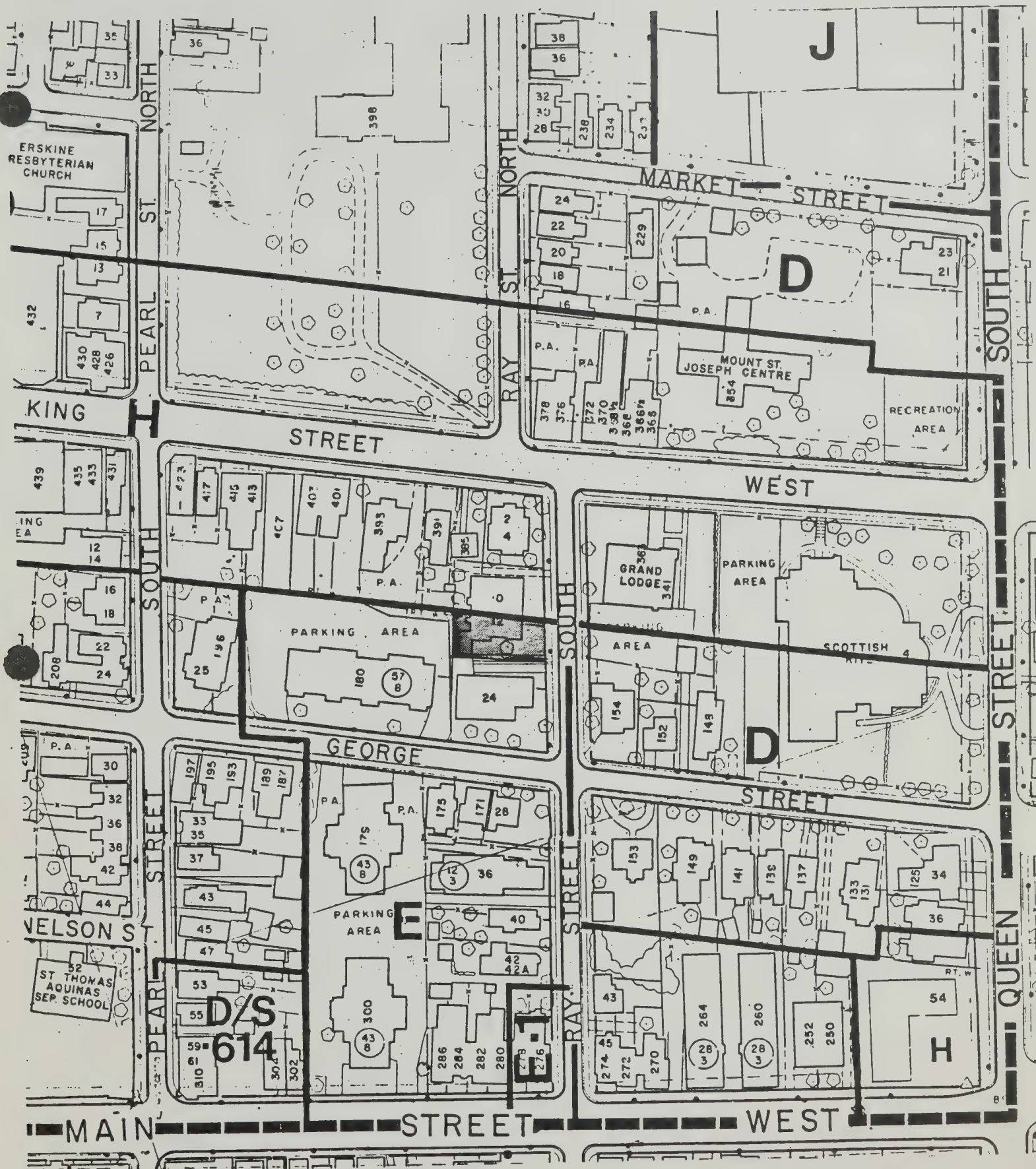
See APPENDIX "B" for the O.M.B. decision.

Both the Planning and Development Department and Traffic Department were satisfied with the proposed parking arrangement.

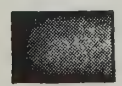
CONCLUSION

Based on the Ontario Municipal Board decision, as well as the Traffic and Planning Department's support, it is appropriate to remove the 'H' (Holding) symbol from the above noted property.

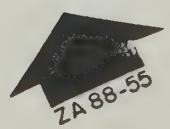
JHE/ma
WPZA9030



LEGEND



SITE OF APPLICATION



APPENDIX A

DB-8
F-59

R 890243



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 34 of the
Planning Act, 1983

- and -

IN THE MATTER OF appeals by Masonic
Holdings, Trustees of Moore Sovereign
Consistory, H.L. Seibel and others
against Zoning By-law 89-34 of the
Corporation of the City of Hamilton

2A88-55	
ALG	
PRY/HE	
9d	
A2 7.7	

C O U N S E L :

- | | | |
|------------------------------|-------|--|
| Brian Loreto
and Ron Sabo | - for | City of Hamilton |
| Stephan Martin Frankel | - for | Regina Pirro |
| Norman E. Byrne | - for | Masonic Holdings,
Trustees of Moore Sovereign
Consistory |

DECISION OF THE BOARD delivered by W.R.F. WATTY

This is an appeal by Masonic Holdings, Trustees of Moore Sovereign Consistory, H.L. Seibel and others, against a decision of the Corporation of the City of Hamilton to rezone a property known municipally as 12 Ray Street South from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District which would allow the conversion of the existing building for additional commercial uses such as business offices, hairdressing salons, photographic studios and/or art studios. The proposed rezoning would be subject to a holding provision under Section 35(1) of the Planning Act such that implementation of the rezoning is conditional on "adequate" on-site parking being provided.

Number 12 Ray Street South comprises one-half of a former duplex residential building, the other half (Number 10 Ray Street South) is owned by Mr. H.L. Seibel, one of the appellants, and is used as a 10 unit student rooming house. Ray Street, in this section of the

City, is located adjacent to the outer edge of the Hamilton City Core and the property in question is located between the two principal east-west arterial roads, King Street West on the north and Main Street West on the south. Originally, this general area, like the subject property, was part of a primarily residential neighbourhood. The evidence of the City's planner, as corroborated by the pattern of existing land uses (Exhibit 5), is that this area is undergoing change focused initially on the two major roads and filtering through to the interior blocks. As a result there are a variety of commercial wholesaling, commercial retailing, industrial, multi-residential uses, singly and in combination located within the block, as well as a fire hall immediately to the south of the site.

The property is designated "Commercial" in the City's Official Plan under which designation residential uses are also permitted. The property is also designated "Commercial" in the Strathcona Neighbourhood Plan, a secondary plan adopted by recommendation of Council as a guide in detailing the manner of implementing the Official Plan. The evidence is that both designations acknowledge the changing nature of uses and pressures for development in this part of the City and are a policy response to these trends. These designations also take into consideration the physical and site limitations of the affected properties. One such major limitation is the difficulty of accommodating employee and client parking on-site when existing residentially designed buildings are converted to commercial uses. In acknowledgement of this difficulty the City's zoning by-law exempts commercial office development under 450 square metres from providing staff or customer parking. On the other hand it was suggested to the Board by both the City's planner and by the applicant, Mrs. Regina Pirro, that the area is within easy access to public transit on both Main and King Streets and that there is some opportunity for staff and client parking along George Street, the next side street immediately to the south, on parts of Ray Street and

on King Street. There are, however, restrictions due to metering, peak hour no stopping prohibitions or number of spaces. The evidence is that there exists a municipal parking lot approximately one and one-half blocks away at King Street West and Locke Street. The proximity of a fire hall adjacent to the site requires clear movement for emergency vehicles and limits on-street parking along this part of Ray Street.

It has been indicated in evidence that Number 12 Ray Street South is currently occupied by a hairdressing salon on the first floor, beautician parlour in one room on the second floor, both of which are owned by the applicant, with the rest of the second floor currently vacant. This vacant space was formerly occupied by Tangerine Dreams - a gift boutique also owned by the applicant which has since relocated to 296 King Street West. With the exception of a rented apartment on the third floor, all uses currently operating are in defiance of the zoning by-law and are illegal.

The applicant wishes to legalize the existing uses and to establish an office for her various operations in part of the vacant second storey space, renting out the remainder, if feasible. The subject rezoning, which was approved by City Council, has been appealed by Mr. H.L. Seibel, the owner of 10 Ray Street South, the other half of the duplexed building, on the grounds that his tenants presently suffer from the impacts of traffic generated by patrons of the services at Number 12 who use his tenants' parking spaces without authorization and who obstruct his tenants' use of their driveway and access to and from the street. He feels that this rezoning will worsen and compound these problems. He complains that the applicants have not extended themselves to reduce or eliminate these annoyances to his tenants. He claims that during the period from February to November, 1987, he was obliged to make 126 calls to the by-law

enforcement officer to clear away offending cars parked illegally on or adjacent to his property.

The other appellants, Masonic Holdings and Trustees of Moore Sovereign Consistory, are owners of properties directly across the street consisting of a Grand Lodge Hall with rented commercial space at the corner of King and Ray Streets. These appellants also complain that they have been subjected to unauthorized use of their parking lots by clients visiting Number 12 Ray Street. This is a concern in that they rent their upstairs space to the publication, Hamilton-This-Month, and resent this intrusion. These appellants admit that incidents of infractions have decreased recently, perhaps coincidental with the relocation of the boutique Tangerine Dreams, already referred to.

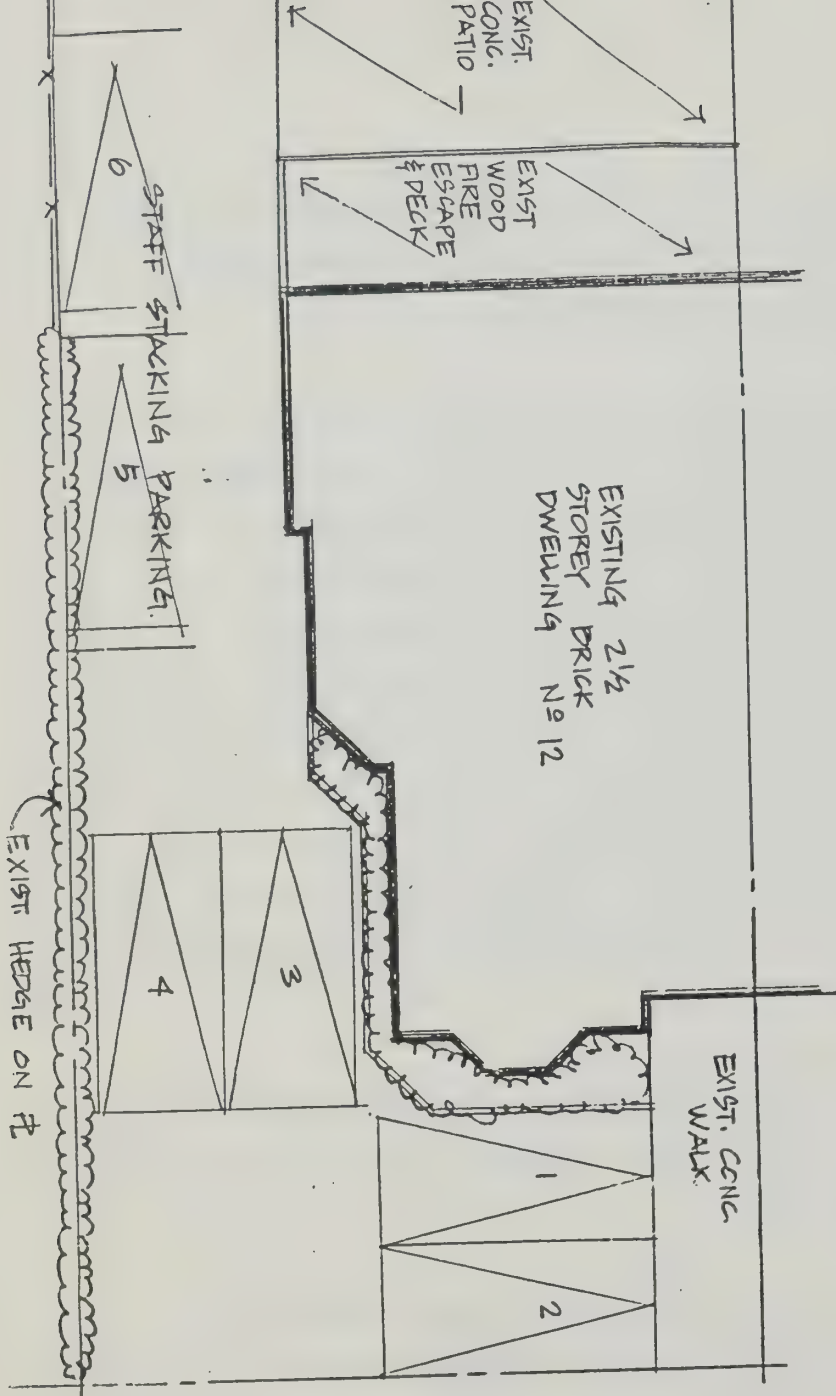
It is obvious to the Board that the path to this hearing is as much strewn with the effects of non-communication among neighbours as with anticipated fears from land use impacts which may result from this rezoning. Notwithstanding the fact of Official Plan conformity of this application, the Board does not consider itself limited on that account should there be sufficient reason to believe that this application is not appropriate. The evidence of the planner is that the emerging commercial uses are logical and desirable and do not create any non-acceptable impacts on the adjacent land uses. Given the small size of the proposed commercial area (approximately 350 square metres) the zoning by-law does not now require any dedicated parking space in association with a use of this size. This rezoning proposed, however, goes beyond the "normal" requirements by excluding "business and professional offices" which are typically heavy traffic generators and by providing Council with an opportunity to require "adequate" on-site parking satisfactory to the proposed uses. The Board finds that this approach is responsible and reasonable and notes that the best results might be attained when small businesses

which have outgrown building space or site restrictions with areas such as this relocate to larger, more convenient premises, such as was the case with Tangerine Dreams.

Given these circumstances, what then constitutes an "adequate" number of parking spaces for this application? While this is a matter for Council to decide in the final analysis, this Board must have regard for the concerns of the appellants which are in part result of lack of mutual cooperation, in part reflect the need for more effective by-law enforcement and in part are land use generated. With regard to the first two causes the Board believes that these irritations are compounded by Mr. Seibel, the landlord at Number 10 Ray Street South who does not reside at this address, being besieged by annoyed tenants, apparent ineffective monitoring of clients parking and the need for more effective posting against unauthorized parking.

The Board is impressed by the apparent sincerity of the applicant in seeking to address these problems and her recent efforts to eliminate these abuses.

Based on the preliminary site plan submitted in evidence (Exhibit 10), the Board finds the proposed four (4) parking spaces which meet the standards of the by-law (plus the three additional potential spaces which do not meet the by-law) to be desirable provisions in mitigating some of the associated impacts of this development. These should not be considered sufficient and complete and will need to be combined with greater use of transit, parking on-street where legally permitted, use of the municipal parking lot and client drop-off and pick-up. However, with specific regard to the rezoning of land uses proposed, the Board finds these four spaces to be adequate, although that final determination will be up to Council when it considers removal of the "H".



RAY ST. SOUTH

PROPOSED SITE PLAN



SCALE 1" = 10'-0"

REFER TO SURVEY PREPARED BY M.J. TERRY O.L.S. 1984

ZONING - "E1 MODIFIED"
 LOT AREA, 439.7 M²
 Building 4733 SQ. FT.
 PARKING SPACES PROVIDED 6
 4 LEGAL 2.7 x 6.0 M.
 2 STAFF 2.7 x 6.7 M.
 STACKING.
 BUILDING AREA APPROX. 3800 SQ. FT.

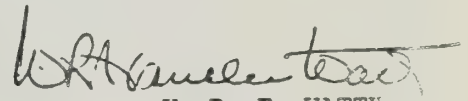
The Board shares the perception of some of the appellants that the primary source of conflict may have been due to the now relocated Tangerine Dreams Boutique and does not envisage any of the proposed new uses to be capable of generating the same level of traffic or other impacts to the extent of rendering this rezoning unacceptable.

The Board will, therefore dismiss the appeals.

DATED at TORONTO this 20th day of December, 1989.



D. H. McROBB
VICE-CHAIRMAN



W. R. F. WATTY
MEMBER

FOR ACTION

16.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 12, 1990
COMM. FILE:
DEPT. FILE: CI-90-B

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

City Initiative - Harbour Zoning

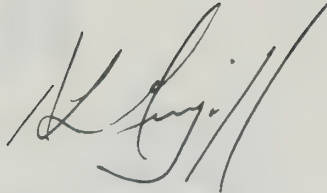
RECOMMENDATION

1. That approval be given to Official Plan Amendment No. to modify Policy A.2.7.2 (Utilities) to clarify land use jurisdiction of lands designated "Utilities" in the Hamilton Harbour, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth for approval.
2. That approval be given to City Initiative 90-B to provide for amendments to Zoning By-law No. 6593, as amended by By-law No. 83-239, respecting the proposed "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, applicable to the lands known as Piers 25 to 27 and Piers 10 to 14, as shown on the attached map marked as Appendix "A", on the following basis:
 - i) That By-laws 83-258 and 84-179 be repealed in their entirety;
 - ii) That Section 2 of By-law No. 83-239 be amended by deleting the portion beginning with SECTION 12C - "F-3" DISTRICT and SECTION 12D - "F-4" DISTRICT in their entirety, and substituting the attached APPENDIX "B" therefor;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 83-239, for presentation to City Council;
 - iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

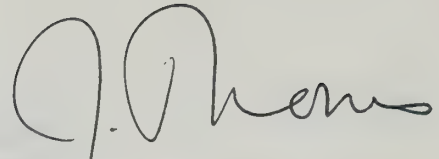
EXPLANATORY NOTE

The purpose of the proposed Official Plan amendment is to clarify the intent of the Official Plan respecting land use jurisdiction for those lands designated "Utilities" in the Hamilton Harbour.

The purpose of the proposed By-law amendments is to clarify the intent of the "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, with respect to the jurisdiction of the Hamilton Harbour Commissioners for shipping and navigation matters.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

o Official Plan

The Minister of Municipal Affairs and Housing, in approving the City's Official Plan on June 1, 1982, deferred Policy A.2.7.2 as it applies to those lands designated "Utilities" on Piers 25 to 27 in the Hamilton Harbour (i.e. East Port). The deferral resulted from objections filed by the Hamilton Harbour Commissioners.

o Harbour Zoning

In 1983, City Council passed a series of By-laws to implement the policies of the new Official Plan with respect to lands in and around Hamilton Harbour.

By-law No. 83-239 established, among other things, the following two new Zoning Districts:

- the "F-3" (Marine Transportation Services) District which implements the "UTILITIES" designation in the Official Plan as it applies to the East Port (Piers 25-27); and
- the "F-4" (Waterfront Services) District which implements the "UTILITIES" designation in the Official Plan as it applies to Piers 10-14.

o Jurisdiction

The jurisdiction over land use control in Hamilton Harbour is divided between the City and the Hamilton Harbour Commissioners. In accordance with the decision of Justice Griffiths (HHC vs. the City of Hamilton), it is understood that the City can regulate land uses as long as it does not do so for the purposes of shipping and navigation. Whereas, the Hamilton Harbour Commissioners can pass land use regulations for purposes of shipping and navigation.

In recognition of the jurisdictional duality, the list of proposed uses for the "F-3" and "F-4" Districts was broken into two groups (i.e. Group "A" and "B").

Group "A" consists of those uses which were considered to be examples of uses for the "bona fide purposes of shipping and navigation", and would therefore come under the jurisdiction of the Hamilton Harbour Commissioners.

Group "B" is comprised of those uses which are not "bona fide" shipping and navigation uses and would, therefore, come under the jurisdiction of the City through Zoning By-law No. 6593.

Furthermore, since the Group "A" list of uses was intended to be illustrative rather than exhaustive, Section 3.(3)(xii) (CERTAIN USES NOT RESTRICTED) was amended to acknowledge the Hamilton Harbour Commissioners jurisdiction for purposes related to shipping and navigation.

o Problem

It is understood that the Hamilton Harbour Commissioners appealed the Official Plan with respect to the East Port, due to concerns respecting the proposed Harbour Zoning By-laws. In this regard, the Hamilton Harbour Commissioners appealed the various Harbour By-laws on the following basis:

- the Commissioners are concerned that the City is attempting to regulate the harbour for "Shipping and Navigation" purposes;
- the Commissioners consider the proposed permitted uses restrictive and inappropriate based on their Port Master Plan.

It was mutually agreed to hold an Ontario Municipal Board Hearing in abeyance, pending discussions between the City and the Hamilton Harbour Commissioners. Between 1983 and 1988 a series of meetings were held between City staff and the staff, consultants and legal counsel of the Harbour Commission.

By June of 1988 a satisfactory resolution had not been reached and Council directed the City Solicitor to take the necessary steps to proceed with an OMB Hearing. A Hearing has been scheduled, to commence on May 22, 1990.

COMMENTS

In view of the on-going discussions with the Harbour Commission staff, in order to clarify the original intent of the Official Plan and By-law No. 83-239, and in the spirit of co-operation to address the Harbour Commissioners concern respecting the regulation of "shipping and navigation", it would be appropriate to make the following changes:

1. Revise Policy A.2.7.2 of the Official Plan by deleting the words "and marine related industry or commerce that demonstrates operational need for proximity and access to the Harbour", and replace with "and other uses related to shipping and navigation."
2. Amend the title of the "F-3" District by changing it from "Marine Transportation Services" to "Harbour Uses".

3. Amend the introductory language of Part "A" for the "F-3" and "F-4" Districts to the following effect:

"Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted, and include the following:"

4. Amend the introductory language of Part "B" for the "F-3" and "F-4" Districts to the following effect:

"In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:"

5. Amend Part "A" of the "F-3" and "F-4" District by adding the following uses and, where permitted, by deleting them from Part "B":

- Other Service Industries Incidental to water Transport;
- Other Water Transport Industries;
- Marine Salvage Industry;
- Shipbuilding and Repair Industry; and
- Boatbuilding and Repair Industry.

6. Amend Part "A" of the "F-3" and "F-4" District by deleting the following uses and adding them to Part "B":

- A Grain Elevator;
- A Refrigerated Warehouse;
- A Storage and Warehouse Service.

7. Amend Part "A" of the "F-3" and "F-4" Districts by adding the following use:

o Other Uses

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

8. That By-law 83-239 be amended to incorporate the text changes as set out under By-law 83-258 and 84-179, and By-law 83-258 and 84-179 be repealed.

It should be noted, that the foregoing changes are intended to clarify the jurisdiction of the City and the Hamilton Harbour Commissioners respecting land use control in Hamilton Harbour.

CONCLUSION

That the Official Plan, and By-law No. 83-239 be amended to incorporate the foregoing changes, as per the attached APPENDIX "B".

SECTION 12C - "F-3" DISTRICT

(Harbour Use)

12C (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-3" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following:

A. Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted and include the following:

(a) PUBLIC USES

1. Offices of the Hamilton Harbour Commissioners.

(b) COMMERCIAL USES

	S.I.C. Classification
1. Shipbuilding and Repair Industry	3271
2. Boatbuilding and Repair Industry	3281
3. Freight and Passenger Water Transport Industry	4541
4. Ferry Industry	4542
5. Marine Towing Industry	4543
6. Ship Chartering Industry	4544
7. Other Water Transport Industries	4549
8. Marine Cargo Handling Industry	4551
9. Harbour and Port Operation Industry	4552
10. Marine Salvage Industry	4553
11. Piloting Service, Water Transport Industry	4554
12. Marine Shipping Agencies Industry	4555
13. Other Service Industries Incidental to Water Transport	4559

(c) OTHER USES

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

B. In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:

(a) PUBLIC USES		S.I.C.
		<u>Classification</u>
1.	Labour Organizations	9841
(b) COMMERCIAL USES		
1.	General Freight Trucking Industry	4561
2.	Used Goods Moving and Storage Industry	4562
3.	Bulk Liquids Trucking Industry	4563
4.	Dry Bulk Materials Trucking Industry	4564
5.	Forest Products Trucking Industry	4565
6.	Other Truck Transport Industry	4569
7.	Freight Forwarding Industry	4592
8.	Other Service Industries Incidental to Transportation, n.e.c.	4599
9.	Grain Elevator Industry	4711
10.	Refrigerated Warehousing Industry	4791
11.	Other Storage and Warehousing Industries, n.e.c.	4799
12.	Other Products n.e.c., Wholesale limited to:	5999
	i) Ship Chandlers	
13.	Customs Broker	7794
14.	Restaurants, Licensed	9211
15.	Restaurants, Unlicensed	9212
16.	Take-Out Food Services	9213
17.	Caterers	9214
18.	Taverns, Bars and Night Clubs	9221

(c) INDUSTRIAL USES

- | | | |
|----|--|------|
| 1. | Cereal Grain Flour Industry | 1051 |
| 2. | Prepared Flour Mixes and Prepared
Cereal Foods Industry | 1052 |
| 3. | Feed Industry | 1053 |

(d) ACCESSORY USES

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

- (2) Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE where not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) Height requirement:

1. No building or structure shall exceed 14.0 metres in height.

b) Area requirements:

1. There shall be provided and maintained upon the same lot or tract of land and within the F-3 District for every building or structure,
 - i) a front yard having a depth of not less than 6.0 metres;
 - ii) side yards having a width of not less than 10% of the greatest width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
 - iii) a rear yard having a depth of not less than 4.5 metres.

(c) Intensity of Use requirements:

1. Every lot or tract of land shall have,
 - i) a lot width of not less than 30.0 metres;
 - ii) a lot area of not less than 1,100.0 square metres.

(d) Lot Coverage requirement:

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

(e) Landscape requirements:

1. There shall be provided and maintained on the same lot or tract of land and within the "F-3" District,
 - i) a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line;
 - ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line;
 - iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(f) Storage requirements:

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting "A" District.

(3) Every sign referred to in subclause 2 of clause B.(d) shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

SECTION 12D - "F-4" DISTRICT

(Waterfront Services)

- 12D (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-4" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following:

A. Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted and include the following:

(a) PUBLIC USES

1. Offices of the Hamilton Harbour Commissioners.

(b) COMMERCIAL USES

	<u>S.I.C. Classification</u>
1. Shipbuilding and Repair Industry	3271
2. Boatbuilding and Repair Industry	3281
3. Freight and Passenger Water Transport Industry	4541
4. Ferry Industry	4542
5. Marine Towing Industry	4543
6. Ship Chartering Industry	4544
7. Other Water Transport Industries	4549
8. Marine Cargo Handling Industry	4551
9. Harbour and Port Operation Industry	4552
10. Marine Salvage Industry	4553
11. Piloting Service, Water Transport Industry	4554
12. Marine Shipping Agencies Industry	4555
13. Other Service Industries Incidental to Water Transport	4559

(c) OTHER USES

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

B. In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:

(a) PUBLIC USES

S.I.C.
Classification

1. Labour Organizations 9841

(b) COMMERCIAL USES

1. General Freight Trucking Industry 4561

2. Used Goods Moving and Storage Industry 4562

3. Bulk Liquids Trucking Industry 4563

4. Dry Bulk Materials Trucking Industry 4564

5. Forest Products Trucking Industry 4565

6. Other Truck Transport Industry 4569

7. Freight Forwarding Industry 4592

8. Other Service Industries Incidental to Transportation, n.e.c. 4599

9. Grain Elevator Industry 4711

10. Refrigerated Warehousing Industry 4791

11. Other Storage and Warehousing Industries, n.e.c. 4799

12. Petroleum Products, Wholesale 5111

13. Other Products n.e.c., Wholesale limited to: 5999

i) Ship Chandlers

14. Customs Broker 7794

15. Restaurants, Licensed 9211

16. Restaurants, Unlicensed 9212

17. Take-Out Food Services 9213

18. Caterers 9214

19. Taverns, Bars and Night Clubs 9221

(c) INDUSTRIAL USES

1.	Cereal Grain Flour Industry	1051
2.	Prepared Flour Mixes and Prepared Cereal Foods Industry	1052
3.	Feed Industry	1053
4.	Vegetable Oil Mills (Except Corn oil)	1061
5.	Cane and Beet Sugar Industry	1081
6.	Chewing Gum Industry	1082
7.	Sugar and Chocolate Confectionary Industry	1083
8.	Tea and Coffee Industry	1091
9.	Dry Pasta Products Industry	1092
10.	Potato Chip, Pretzel and Popcorn Industry	1093
11.	Malt and Malt Flour Industry	1094
12.	Other Food Products Industries, n.e.c.	1099
13.	Soft Drink Industry	1111
14.	Distillery Products Industry	1121
15.	Brewery Products Industry	1131
16.	Wine Industry	1141
17.	Hydraulic Cement Industry	3521
18.	Redi-mix Concrete Industry	3551
19.	Other Petroleum and Coal Products Industry	3699

(d) ACCESSORY USES

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

(e) EXISTING USES

Any use existing as of July 31, 1984, except RESIDENTIAL USES.

- (2) Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE where not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) Height requirement:

1. No building or structure shall exceed 37.0 metres in height.

b) Lot Coverage requirements:

1. Subject to paragraph 2, lot coverage of all buildings and structures shall not exceed 85% of the lot area.
2. Where a side lot line or rear lot line abuts a residential district, no building or structure shall be situated nearer to any such side lot line or rear lot line than 4.5 metres.

- (3) Every sign referred to in subclause 2 of clause B.(d) shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: FEBRUARY 21, 1990
COMM FILE:
DEPT. FILE: P5-2-50

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

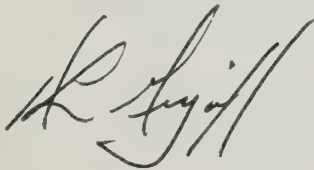
SUBJECT

Requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

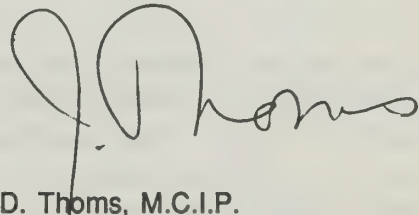
RECOMMENDATION

That the walkway between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood remain open and the Neighbourhood plan not be changed (Map 1).

That the Transport and Environment Committee be informed of the recommendation.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- The walkway was approved in the 1969 Neighbourhood Plan and was constructed as part of the original subdivision in 1972.
- The Transport and Environment Committee requested initiation of the walkway closure. Since the closure involves a Neighbourhood Plan amendment, a public meeting was needed to discuss the change.

- A report was prepared by the Planning and Development Department (dated November 21, 1988) outlining the proposed walkway closure and recommending a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting on November 30, 1988.
- A public meeting was held on January 25, 1989 to discuss the proposed walkway closure. As a result of a request for submissions, the following were received (Map 2).

For removing the walkway:

1. Mr. and Mrs. G. Pollock, 103 Gardiner Drive
2. Mr. and Mrs. J. Hunse, 356 Gardiner Drive

A petition with 255 signatures.

For retaining the walkway:

1. Mr. A. Matheson, 41 Glamis Court
2. The G. Schaven Family, 70 Gardiner Drive
3. Mr. and Mrs. J. Rudy, 116 Gardiner Drive
4. Mr. and Mrs. W. Lyne, 340 Cranbrook Drive
5. Mr. and Mrs. J. Holota, 364 Cranbrook Drive
6. Mr. and Mrs. D. Burroughs, 373 Cranbrook Drive
7. Mr. O. Gerle, 381 Cranbrook Drive

A petition with 203 signatures.

The owners adjacent to the walkway have complained about nuisance from the walkway including:

1. Litter and debris on the walkway and lack of clearance.
2. Vandalism including removal of shrubs and flowers.
3. Noise and verbal abuse from people using the walkway.
4. Use by prohibited vehicles, e.g. snowmobiles, motorcycles.
5. Damage to vehicles whose doors are opened on to the walkway fence.

Residents, particularly from Cranbrook Drive are concerned about the loss of the walkway because:

1. The walkway provides better access from Cranbrook Drive and residents south of the walkway to Gilkson Park and Schools (R. A. Riddell and St. Catherine of Siena).

2. The walkway provides better access from the area north of Cranbrook to the commercial area at Stone Church Road and Upper Paradise and to the Separate Secondary School in the neighbourhood to the south.
3. More pedestrians will use the private townhouse development to the west as a short cut.

The following are available on request:

1. Planning and Development report dated November 21, 1988.
2. Minutes of the public meeting of January 25, 1989.
3. Submissions and petitions from the public meeting.

ANALYSIS

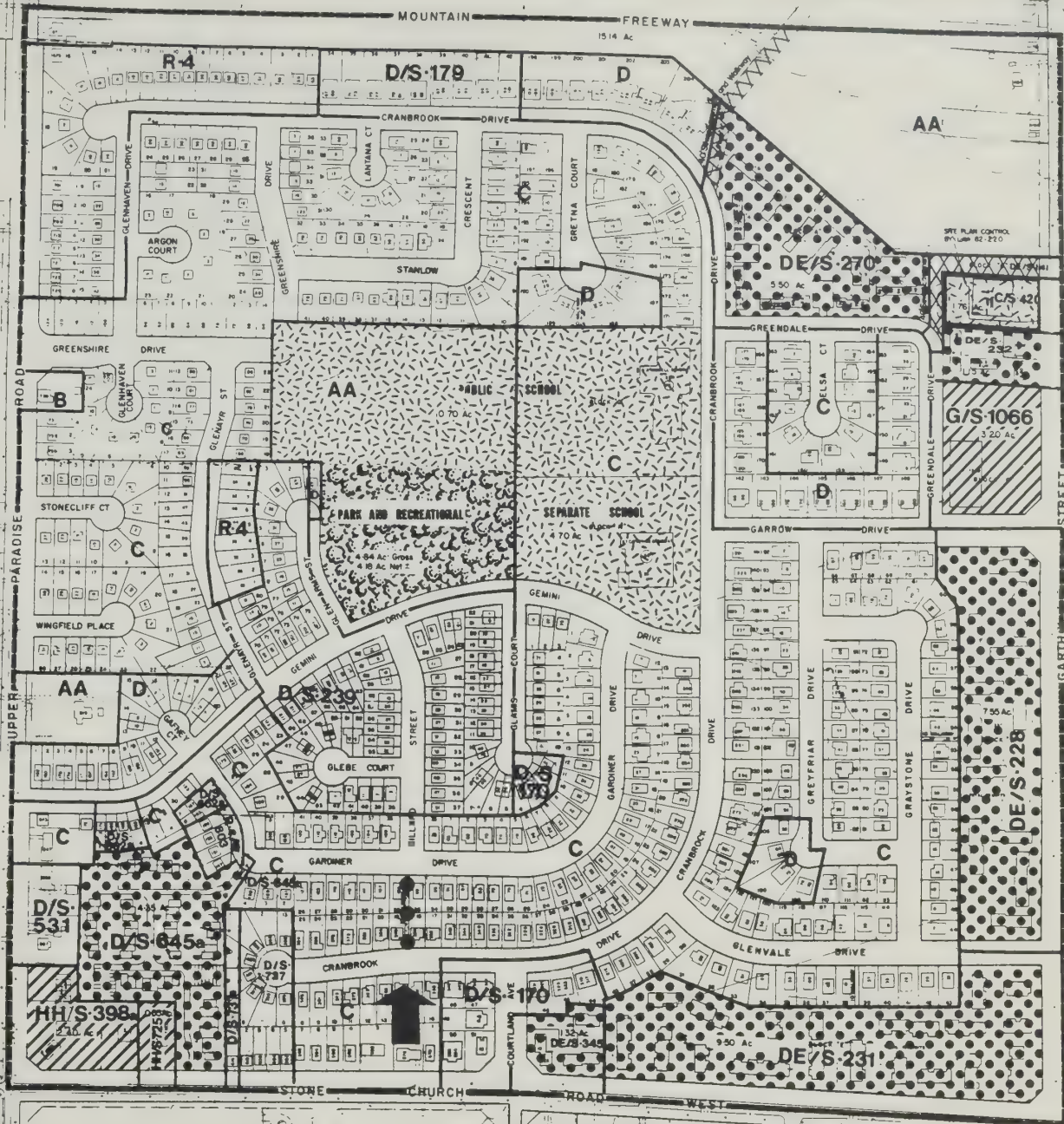
The walkway is an important pedestrian link within the neighbourhood. For example, closure would mean a diversion of an additional 1,200 feet for residents who walk or bicycle from the west end of Cranbrook Drive to reach the Neighbourhood park and neighbourhood schools.

In terms of design, the walkway is narrow (10 feet wide although encroachments have reduced this to 5 feet). This discourages loitering although nuisance from noise may still occur. Privacy and vandalism can be discouraged by fencing. Erection of barriers to prevent use of illegal vehicles is opposed by the Public Works Department as they require free access to clear snow. Litter and debris continue to be a problem although the City is responsible for this. It may be appropriate to appoint a residents committee to alert the Public Works Department if any problem occurs. The walkway has existed both in plans and on site for many years. People moving into the neighbourhood were aware of its presence and could have expected it to remain. Removing the amenity would cause inconvenience to many residents. The schools have already been approached and are unwilling to 'adopt' the walkway.

CONCLUSION

The walkway provides a convenient and safe pedestrian movement and is an attractive feature of the neighbourhood. Nuisance from users on adjoining residents could be minimized by forming a committee of interested residents.

D.G.:ND
A:\GILKSON



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

● ● ● REQUESTED WALKWAY CLOSURE

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee OCT. 3, 1986 Council MAY 24, 1989

Latest Revision Date NOVEMBER 29, 1988

CITY OF HAMILTON
PLANNING DEPARTMENT

GILKSON
APPROVED PLAN

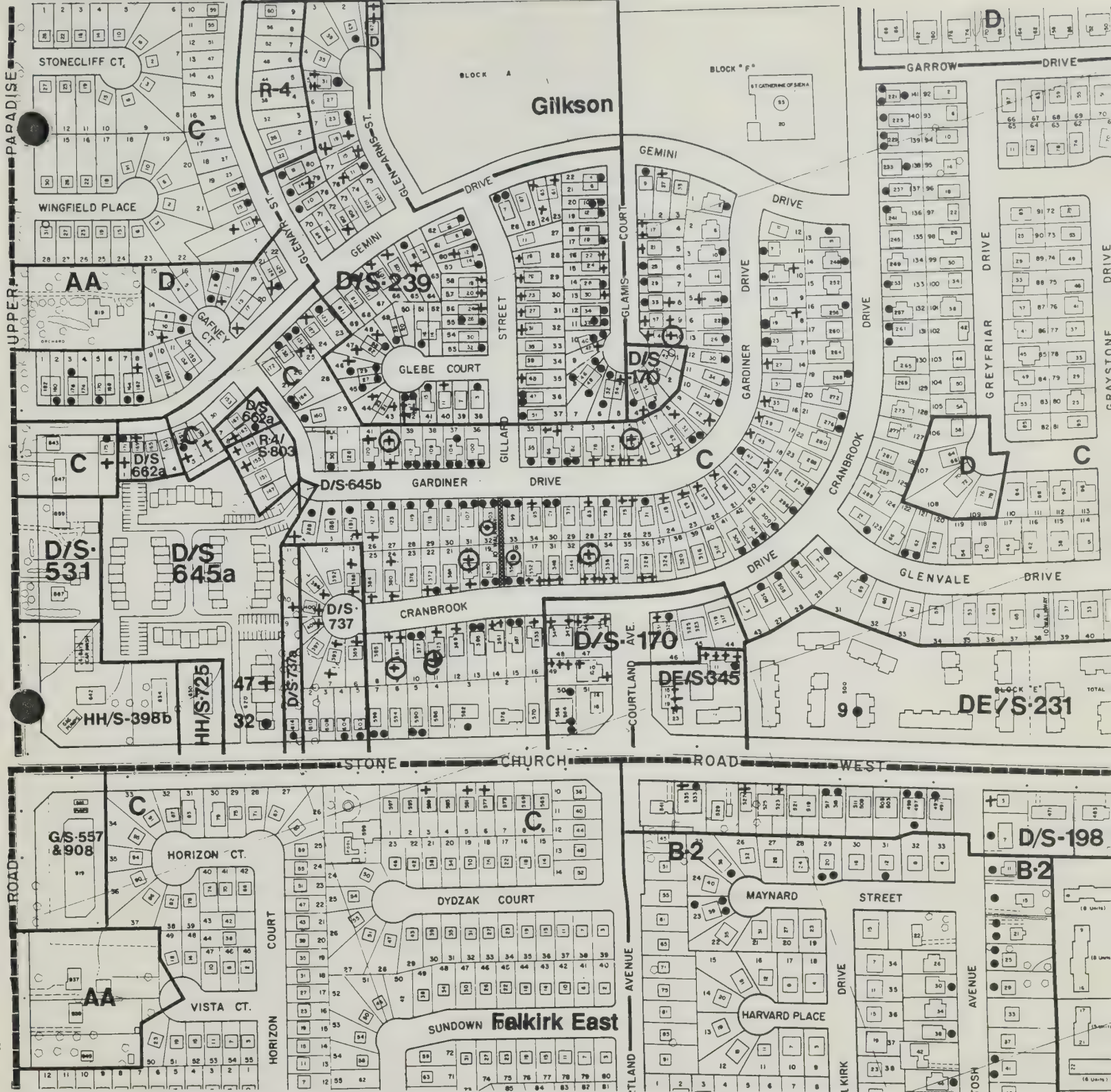


0 100 m
SCALE 50 m

MAP 1

EXISTING POPULATION (1988) 3609

50



LOCATION OF PETITION AND SUBMITTEES

- Petitioners - support walkway closure 225
 - + Petitioners - opposed walkway closure 203
 - ⊙ Submittees - support walkway closure 1 to 2 (2)
 - ⊕ Submittees - oppose walkway closure 3 to 9 (7)
- Location of walkway

SUBMITTEES

- | | | |
|---|-------------------------|---------------------|
| 1 | Mr. & Mrs. G. Pollock | 103 Gardiner Drive |
| 2 | Mr. & Mrs. J. Hunse | 356 Gardiner Drive |
| 3 | Mr. A. Matheson | 41 Glamis Court |
| 4 | The G. Shaven Family | 70 Gardiner Drive |
| 5 | Mr. & Mrs. J. Rudy | 116 Gardiner Drive |
| 6 | Mr. & Mrs. W. Lyne | 340 Cranbrook Drive |
| 7 | Mr. & Mrs. J. Holota | 364 Cranbrook Drive |
| 8 | Mr. & Mrs. D. Borroughs | 373 Cranbrook Drive |
| 9 | Mr. O. Gerle | 381 Cranbrook Drive |

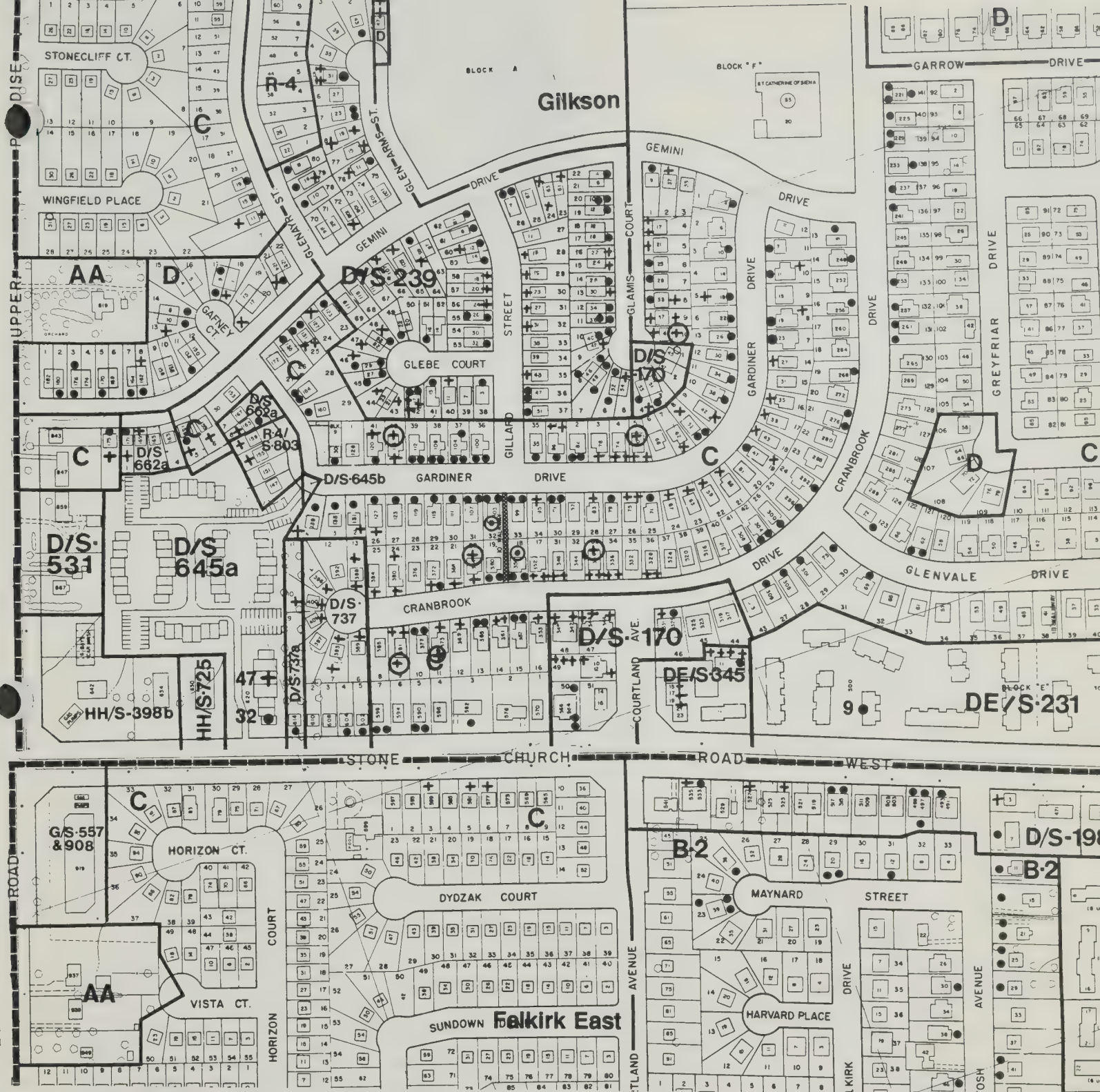
Proposed Walkway Closure

for

GILKSON
neighbourhood



NORTH



LOCATION OF PETITION AND SUBMITTEES

- Petitioners - support walkway closure 225
 - + Petitioners - opposed walkway closure 203
 - ⊙ Submittees - support walkway closure 1 to 2 (2)
 - ⊕ Submittees - oppose walkway closure 3 to 9 (7)
- Location of walkway

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Proposed Walkway Closure

for

GILKSON
neighbourhood



NORTH

CAYON HBL AOS
C51P4



Urban Municipal Librarian/
Central Library

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

1990 April 20th

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1990 March 21.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 April 18th.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch.

c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1990 March 21
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman W. McCulloch, Acting Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Drury
Alderman H. Merling

Regrets: Alderman J. Smith, Chairman - Regional
Conference
Alderman F. Lombardo, Vice-Chairman - Family
Business
Alderman D. Christopherson - Regional Conference
Alderman D. Ross - Regional Conference

Also present: Mr. D. Kelterborn, Hamilton Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Ms. Patrice Noé Johnson, City Solicitor
Mr. B. Allick, Building Department
Mr. W. Wong, Building Department
Mr. D. Pickard, Building Department
Mrs. C. Floroff, Planning Department
Mr. K. Extance, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Robinson, Community Development
Department
Mr. R. Karl, Traffic Department
Mr. P. Mallard, Planning Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder, Secretary

In the absence of both the Chairman and the Vice-Chairman, the Committee appointed Alderman McCulloch to assume the role of Acting Chairman for the meeting.

The Committee proceeded to deal with Items on their Agenda with 4 members present (1 less a quorum) on the understanding that these matters would be ratified when the 5th person arrived at the meeting to provide the quorum.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 February 21 and approved these minutes.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 14, respecting Demolition Permit Applications.

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 86 Ward Avenue
- (b) 137 Simcoe Street East
- (c) 219 Bay Street North
- (d) 110 Deschene Avenue

Part of the Commissioner's recommendation respected the Demolition Permit Application for property at 212 Wood Street East.

The Committee agreed to table this application pending enforcement proceedings since this building was demolished without a permit.

The Committee was in receipt of a report from the Cash-in-Lieu of Parking Committee dated 1990 March 14, respecting property at 96 George Street.

Appointment of Acting
Chairman.

Quorum not present.

Minutes - 1990
February 21st.

Demolition Permit
Applications.

Demolition Permit
Application tabled
re: Court action -
212 Wood St. E.

Cash-in-lieu of Parking
- 96 George Street.

The Committee was also in receipt of a letter from Mr. Tony Valeri, The Effort Trust Company, respecting this matter and asking that this Item be tabled in order that more information could be obtained.

Accordingly, the Committee tabled this Item.

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 March 7, respecting Conveyance of Land for Park Dedication with Phase I of the Gardens of Rymal Subdivision, for Phase I and future phases of the Gardens of Rymal Subdivision.

The Committee approved the following:

That the City of Hamilton accept title from Benemar Construction Inc. for lands shown as Block "122" of the approved draft plan of subdivision known as "The Gardens of Rymal" as outlined in the attached map marked as Appendix "A".

NOTE: These lands are designated for park purposes. The lands are to be used as credit in lieu of a cash payment for the 5% parkland dedication requirement, for all phases of development. The owner's solicitor is to prepare the necessary deed and certify title to the City.

The Committee was in receipt of a letter from the Chairman of the Business Land Use Advisory Board dated 1990 March 14, respecting Staff Undertaking a Study of Residential Enclaves.

The Committee approved the following:

That the Director of Local Planning be directed to undertake a comprehensive study to commence in the Fall of 1990 to review all the enclaves to determine their long term land use and implementation strategies, notwithstanding the original mandate of the acquisition program.

At this point, the additional member came into the meeting to provide a quorum for the meeting. It was then moved by the Mayor, seconded by Alderman Drury and carried to ratify all of the above-noted decisions.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 14, respecting Council Direction - Provincially Owned Lands - Affordable Housing.

The Committee approved the following:

- (a) That the Ministries of Municipal Affairs, Housing and Government Services be advised to take a leadership role in developing appropriate Provincially-owned lands in the City of Hamilton, for affordable housing; and,
- (b) That a copy of the staff report related to this matter be forwarded to the Ministries of Municipal Affairs, Housing and Government Services for their information.

NOTE: On 1989 October 31, Hamilton City Council directed staff to identify Provincially-owned lands within the City of Hamilton. A general review of all Provincially-owned lands in Hamilton was undertaken to determine basic potential for affordable housing opportunities. As a result of this review, properties were identified with potential for housing development. Given this potential, the Provincial Government should be encouraged to assume a leadership role and develop suitably located lands within the City of Hamilton for affordable housing.

Copies of the staff report respecting this matter were distributed to members of the Planning and Development Committee and are available from the Committee Secretary upon request.

Conveyance of Land
for Park Dedication
with Phase I of the
Gardens of Rymal
Subdivision.

Study of Residential
Enclaves.

Quorum present.
Previous decisions
ratified.

Provincially owned Lands
- Affordable Housing.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 13, respecting Regulation of Gun Shops.

Regulation of
Gun Shops.

The Committee approved the following:

That the Planning and Development Committee authorize a public meeting in accordance with the requirements of the Planning Act to consider the following changes to Zoning By-law No. 6593 regarding the regulation of gun shops:

- (a) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

Special requirements for Establishments Selling/Repairing Firearms

- (12) Notwithstanding any provisions of the By-law, any retail store, second hand goods store, pawnbroker's shop, or gunsmith shop used for the sale and/or repair of firearms shall comply with the following:

(a) Display

No window display of firearms shall be permitted.

(b) Location Requirement

A minimum radial separation distance of 300 m shall be provided from the lot line to the lot line of any school.

At this point the meeting reconvened in the Council Chambers for the purpose of hearing Zoning Applications.

Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 13, respecting Zoning Application 89-124, for property at 648 Upper Paradise Road.

ZAB9-124 - 648 Upper
Paradise Road.

The Committee approved the following:

- (a) That approval be given to Zoning Application 89-124, Mary Agnes Kosar and Gail Elizabeth Holmes, owners, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District to "C" (Urban Protected Residential, etc.) District, for property located at 648 Upper Paradise Road, as shown on the attached map marked as Appendix "B", on the following basis:

- (i) That the subject lands be rezoned from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-37A & W-37B for presentation to City Council;
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and
- (iv) That the Fessenden Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double" residential;

- (b) That the residential building setback policy as established by City Council for properties adjacent to the East-West Freeway Corridor, be amended to provide for a minimum building setback of 18.84 m (62.0 ft.) for the subject property whereas 22.86 (75 ft.) is required.

NOTE: The purpose of the By-law is to provide for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District for property located at 648 Upper Paradise Road.

The effect of the By-law is to permit development of the property for a single-family dwelling.

ZA89-129 - north west
corner of James Street
North and Vine Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 14, respecting Zoning Application 89-129, for property located at the north-west corner of James Street North and Vine Street.

The staff recommendation on this application was for DENIAL for the following reasons:

- (a) It conflicts with the intent of the approved Central Neighbourhood Plan which designates the land for "Commercial and Apartments";
- (b) It is an overintensification of land use in that adequate side yards, properly sized loading spaces, etc. will not be provided. In addition, the proposal is for an increase in density by approximately one third of that permitted in the "H" (Community Shopping and Commercial, etc.) District (5.26 gross floor area requested versus 4.0 gross floor area permitted), as well as an increase in the allowable height by approximately 12 metres (29.7m versus 17m);
- (c) The proposal would be out of character with the existing neighbourhood, the surrounding properties, especially James Street North are primarily comprised of three storey buildings consisting of a first floor of commercial use and two floors of residential use. A seven storey office building would be out of character with the established pattern of land use on James Street North, and an undesirable intrusion into the neighbourhood; and
- (d) Approval of the application would encourage other similar applications which if approved would undermine the intent of the zoning by-law and alter the character of James Street North.

Report of the circularization was given as follows:

262 notices sent

22 in favour

2 opposed

Following some discussion on this matter by members of the Committee, the following APPROVAL recommendation was approved:

- (a) That approval be given to Zoning Application 89-129, J. Beume Real Estate Ltd., owner, for a change in zoning from "L-c" (Planned Development Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2", to permit a seven storey building containing a bank, restaurant, and offices, for property located at the northwest corner of James Street North and Vine Street, as shown on the attached map marked as Appendix "C", on the following basis:
 - (i) That the lands described as Block "1" be rezoned from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
 - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

- (1.) That notwithstanding Section 14(5) of Zoning By-law No. 6593, a building having a gross floor area of not more than 5.3 times the area of the lot shall be permitted;
 - (2.) That notwithstanding Section 14(2)(ii) of Zoning By-law No. 6593, no side yard shall be required along the easterly and northerly side lot lines for the building having a height of not more than 7 storeys and not more than 30 metres in height;
 - (3.) That notwithstanding Section 14(3)(iii)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 3.0 m shall be provided and maintained;
 - (4.) That notwithstanding Section 18A(1)(d), a minimum of two loading spaces having minimum dimensions of 9.0 m x 3.7 m x 4.3 m shall be provided and maintained.
- (iii) That the amending By-law be added to Section 19B of zoning By-law No. 6593 as Schedule S-1168, and that the subject lands on Zoning District Map W-5 be notated S-1168;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council; and,
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the subject lands.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2".

The effect of the By-law is to permit development of the subject lands for a seven storey commercial building containing a bank, restaurant and offices. In addition, the By-law also provides the following variances as special provisions:

- (a) To permit a maximum gross floor area ratio of 5.3 whereas 4.0 is permitted;
- (b) To permit a maximum 7 storey building height whereas 4 storeys are permitted;
- (c) To permit a maximum building height of 30 metres whereas 17 metres is permitted;
- (d) No east or north side yards instead of the required 3.0 m east and north side yards;
- (e) To permit a minimum rear yard depth of 3.0 m instead of the required 4.5 m; and
- (f) To permit two small (9.0 m x 3.7 m x 4.3 m) loading spaces instead of the two required large loading spaces (18.0 m x 3.7 m x 4.3 m).

NOTE: Alderman Kiss opposed:

ZA90-11 - 79 Rymal
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 12, respecting Zoning Application 90-11, for property at 79 Rymal Road West. Report of the circularization was given as follows:

52 notices sent 4 in favour 5 opposed

Mr. Richard Holland, 75 Rymal Road West, spoke to the Committee. He indicated that he has been a resident of this area since 1953, and is concerned that the dimensions listed for the applicant property as 70 feet is incorrect since he believes the dimensions are only 60 feet. He said the land has not been surveyed recently and that there is no legal description for this property to make the assumption that the property is 70 feet in dimension. He also questioned the type of building that would be going onto this property, although he indicated he is not opposed to commercial development at this location.

The Chairman indicated that the Ward Alderman could meet with Mr. Holland to show him the site plan for this property.

The applicant indicated to the Committee that he has a verified survey for the property dimensions at 70 feet.

Mr. Anton Jacusiw, owner and representative for properties at 1260 West 5th and 1268 Rymal Road West also spoke to the Committee and expressed considerable concern at the traffic patterns that are becoming more and more congested at the corner of West 5th and Rymal Road, as a result of this development and other developments in the area.

The representative from the Traffic Department spoke to this and indicated that statistics are done on an annual basis at intersections, but that this particular intersection has not yet met the volume of traffic for controls to be implemented at this location.

Again, it was suggested by the Chairman that the Ward Alderman could speak to Mr. Jacusiw with respect to this matter.

The Committee then agreed that further to the Planning Department's suggestion, an up-to-date survey of the subject lands would be required as a condition of approval of the Zoning Application, and the Committee then approved the following with respect to this application:

That approval be given to Zoning Application 90-11, Walter Vucetich, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit commercial development for property located at 79 Rymal Road West, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - (i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier of not less than 1.2 m and not more than 2.0m in height shall be provided and maintained along the entire southerly rear lot line;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1169, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1169;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the amending By-law not be forwarded for passage by City Council until such time as an up-to-date survey of the subject lands has been submitted to the Director of Local Planning.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for property located at 79 Rymal Road West.

The effect of the By-law is to permit future commercial development for the subject property. In addition, the By-law requires that a minimum 3.0 m wide landscape planting strip and, a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

NOTE: Alderman Kiss opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 13, respecting Zoning Application 90-04, for property at 1039 Main Street East.

ZA90-04 - 1039
Main Street East.

The staff recommendation for this property is for DENIAL of the application for the following reasons:

- (a) The proposed ground sign would be out of character with the existing signage in the area. The Zoning By-law allows only one sign having an area of 0.4m² (4.31 sq. ft.), whereas the applicant proposes a ground sign approximately 2.4m² (26 sq. ft.) in area and 2.4m in height; and
- (b) Approval of the application would encourage other similar applications which if approved would undermine the intent of the sign requirements in the Zoning By-law.

The staff recommendation further APPROVED an amended Zoning Application which would have the effect of permitting the enclosure of the existing front and side porch of the existing building (51.3m²) for an office for a home improvement business.

Mr. Serge Gelly, owner for the property advised that he wishes to have a sign since the neighbourhood businesses also have fairly large signs.

The Committee discussed the sign issue and Alderman Drury indicated that he will meet with Mr. Gelly to determine the appropriateness of his proposed sign.

Accordingly, the Committee APPROVED the following recommendation giving Mr. Gelly the sign he had requested:

That approval be given to amended Zoning Application 90-04, Serge Gelly, owner, requesting a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the conversion of the front porch of the existing building to an office for a home improvement business, for the property located at 1039 Main Street East, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- (i) That notwithstanding Sections 11A(1), 11A(3), 11A(5), and 11A(6), enclosure of the existing roofed-over side and front porch of the existing building for use as a home improvement business office shall be permitted.
 - (ii) That notwithstanding Section 11A(1)(iv), one ground sign, wall sign or projecting sign having an area of not more than 3.0 m² non illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial use shall be permitted.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-746b, and that the subject lands on Zoning District E-44 be notated S-746b;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-44 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for the property located at 1039 Main Street East.

The effect of the by-law is to permit the enclosure of the existing front and side porch of the existing building (51.3 m²) for an office for a home improvement business.

In addition, the by-law permits one ground sign, wall sign or projecting sign having an area of not more than 3.0 m² non illuminated or illuminated by interior means only and no closer than 1.5 m from the street line.

NOTE: Alderman Merling opposed.

ZA90-10 - 314-318
Queenston Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 12, respecting Zoning Application 90-10, for property at 314 to 318 Queenston Road.

Report of the circularization was given as follows:

224 notices sent 4 in favour 37 opposed

The Committee was in receipt of a Letter of Submission from Edna and Alf Bryant, 106 Beland Avenue South.

The Committee was also in receipt of a Submission from Alderman D. Christopherson to the Committee advising that he wishes to have the staff position of DENIAL upheld.

Mr. Caron, 49 Adair Avenue spoke in opposition to the application and indicated that there is no parking for a public hall. He also added that a billiard hall is not needed since there is one in the area already.

Mr. Baotic, applicant and part-owner of the property, spoke to the Committee on the reasons that this application should be approved. Mr. Baotic indicated that he is willing to go with just a billiard hall and to delete the public hall (banquet hall) use.

The Committee then voted on this matter, and agreed to DENY this application as follows:

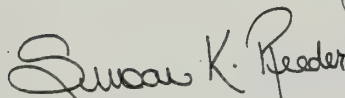
That Zoning Application 90-10, V. Baotic, applicant and part owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a public hall (banquet hall) and a billiard room or penny arcade in the basement of the existing commercial plaza located at 314 to 318 Queenston Road, as shown on the attached map marked as Appendix "F" be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan and represents an over-intensification of use, in that adequate parking cannot be provided. Approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- (b) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.
- (c) It conflicts with the intent of Council adopted policy respecting the criteria used to evaluate the merits of applications to permit penny arcades, in that two schools are situated less than 1000 feet from the subject property.
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

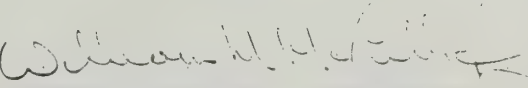
There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,



Susan K. Reeder
Secretary
1990 March 21


ALDERMAN W. McCULLOCH, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

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OFFICE OF THE CITY CLERK

1990 April 26th

URBAN/MUNICIPAL

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 May 2nd
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder.
Susan K. Reeder
Secretary

ZONING APPLICATIONS WILL BE HEARD
IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.

A G E N D A

1. Minutes of the meeting held Wednesday, 1990 April 4th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. 1990 Submission - Commercial Improvement Programme, Business Improvement Areas.

DIRECTOR OF LOCAL PLANNING

4. Site Plan Control Application DA-89-64 for property at 985 Upper Ottawa Street and 5 Carson Drive, Lisgar Neighbourhood.
5. City Initiative 90-A - Request for By-laws - Section 56 of The Planning Act - 203-205 Hess Street North.

9:30 O'CLOCK A.M.

6. Mr. Ian Binnie, City's Solicitor on matters relating to the Harbour.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

7. Zoning Application 88-119, DiMarcantonio Industries, owner, for a modification to the "JJ" and "KK" District regulations for 26 Arrowsmith Road, Nashdale Neighbourhood.
8. Zoning Application 89-18, H. M. and A. K. Nyhof, owners, for a modification to the "D" District regulations for 469 Bay Street North, North End West Neighbourhood.
9. Zoning Application 90-14, Mount Hamilton Christian Homes, owner, for a change in zoning from "C" to "DE" and a modification to the "DE" District regulations, for 249 Stone Church Road East and 1415 Upper Wellington Street, Crerar Neighbourhood.

10:45 O'CLOCK A.M.

10. Zoning Application 89-76, First Place Hamilton, owner, for a modification to the "E" District regulations for 206-210 Jackson Street East, Corktown Neighbourhood.
11. Zoning Application 87-130, First Place Hamilton, owner, for a change in zoning from "H" to "E" and a modification to the established "E" District regulations for property at the north-east corner of Ferguson Avenue South and Jackson Street East, Corktown Neighbourhood.

11:00 O'CLOCK A.M.

12. Zoning Application 90-19, David John Armstrong, owner, for a change in zoning from "AA" to "HH" modified for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, Thorner Neighbourhood.
13. Zoning Application 90-23, R. Patterson, prospective owner, for a modification to the "E-1" District regulations for property at 14 Duke Street, Durand Neighbourhood.

- 197 and 211
Stone Church Road East.

The Committee then approved the following demolition permit applications:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 197 Stone Church Road East.
- (b) 211 Stone Church Road East.

Appointment of Inspectors
under The Building Code
Act.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 19, respecting Appointment of Inspectors under the Building Code Act.

The Committee approved the following:

That the City Solicitor be authorized to amend By-law 87-312 as follows:

- (a) That Section 9(a) be amended by adding the name:
Gene Penko
- (b) That Section 9(a) be amended by deleting the name:
George Bowring

Building Department
Permit Fees and Other
Charges - Proposed
Increase for 1990.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 21, respecting Building Department Permit Fees and Other Charges - Proposed Increase for 1990.

The Committee approved the following:

- (a) That the City Solicitor be directed to prepare By-laws effective 1990 July 1, to amend fees charged by the Building Department as follows:
 - (i) That the Building Code By-law 85-86 be amended to adjust the basic building permit fee from \$25. to \$50.
 - (ii) That the Property Standards By-law 74-74 be amended to adjust the basic fee for a certificate of compliance from \$150. to \$200.
 - (iii) That the Building Code By-law 85-86 be amended to adjust the basic fee for demolition from \$100. to \$200.
- (b) That the fees for property reports and zoning verifications be changed from \$20. and \$30. respectively, to a fee of \$35. effective 1990 July 1.

City Initiative on a
Zoning change re:
parking requirements for
commercial development
in the Central
Business District.

The Committee was in receipt of a memorandum from the Secretary of the Finance and Administration Committee dated 1990 March 29, advising that City Council at its meeting held 1990 March 27, referred Section 2 of the Ninth Report of the Finance and Administration Committee to the Planning and Development Committee with the direction that appropriate Public Hearings be held as a City Initiative in order to implement a required Zoning By-law change with respect to Parking Requirements for Commercial Development in the Central Business District.

The Committee discussed this matter at some length and approved the following recommendation:

That prior to implementation of the Capital Expansion Plans for parking for the Central Business District as outlined in the Report of the Parking Authority endorsed by the Finance and Administration Committee on 1990 March 22nd, a public meeting be held by the Planning and Development Committee to receive input on the philosophy of the placement of parking structures in the downtown area.

NOTE: For the information of the members of City Council, Staff have been requested to provide a report to the Planning and Development Committee on the downtown parking discussions of the Ad Hoc Parking Committee and the Hamilton Parking Authority.

Also, further to the directions of City Council, a Public Meeting of the Planning and Development Committee will be held to consider a City initiative for a zoning change respecting parking requirements for commercial development in the central business district as well as the "cash-in-lieu" policy for this area.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 29, respecting Phase IV of the Downtown Action Plan, Implementation of Sanitation Study Recommendations; Public Service Announcement. The Committee approved the following:

- (a) That, the following prizes be awarded to Mohawk College, Broadcasting students for their submissions in the Public Service Announcement Competition:
 - (i) First prize - Mr. J. Bradley, Production of "Downtown" - \$500.
 - (ii) Second prize - J. Needham - Production of "Heart of the City" -for technical merit - \$250.; and,
- (b) That, a five hundred dollars (\$500.) donation be given to Mohawk College of Applied Arts and Technology for the use of equipment and materials during the competition of the Public Service Announcement.
- (c) That, the prizes referenced in (a) above be presented to the winners at City Council on 1990 April 10, by Mayor Robert M. Morrow and Alderman Hinkley, Chairman of the Keep Hamilton Clean Citizens' Committee.

NOTE: Since the winning Public Service Announcement is scheduled to be released to coincide with Pitch-In Week 1990 May 07 to 13, it is critical that the awards be distributed at the 1990 April 10 City Council meeting. Funds for these awards are available in Phase IV of the Downtown Action Plan.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 28, respecting Crown Point West/Stipeley P.R.I.D.E. Programme; Glendale Spinning Mills Loading Area Access Problems adjacent to Belview Park.

The Committee approved the following:

- (a) That, for the purpose of providing a truck turning area in Belview Park (Holy Name of Jesus Park site), the residents within a 400 foot radius of this alteration be circularized to gain public input regarding the proposed park design; and,
- (b) That, subject to the results of this circularization, a portion of Belview Park be reopened as road allowance to enable trucks destined for Glendale Spinning Mills to safely access the Spinning Mills' loading area; and,
- (c) That, the City Solicitor be authorized to prepare the necessary By-law establishing a 20 metre wide road allowance on Belview Avenue at Primrose Avenue.

NOTE: Belview Park is being developed as part of the Crown Point West/Stipeley P.R.I.D.E. Programme. Funds for the estimated cost of this work of \$10,000. - \$12,000. are available in Crown Point West/Stipeley P.R.I.D.E. Programme Phase II. A change order to the construction contract with McLean Peister Limited will be required.

Phase IV, Downtown Action Plan, Implementation of Sanitation Study Recommendations; Public Service Announcement.

Crown Point West/Stipeley P.R.I.D.E. Programme; Glendale Spinning Mills Loading Area Access problems adjacent to Belview Park.

Commercial Facade Loan
Programme Application -
80-82 James Street North.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 13, respecting a Commercial Facade Loan Programme Application for property at 80-82 James Street North.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000) be approved for 80-82 James Street North, Goritsas Brothers Limited c/o John Goritsas. The interest rate will be 7-1/8 percent, amortized over 10 years.

Registration of a Loan
on the Tax Roll -
Ontario Home Renewal
Programme.

The Committee was in receipt of a Private and Confidential Report from the Director of Community Development dated 1990 March 19, respecting the Registration of a Loan on the Tax Roll under the Ontario Home Renewal Programme. The Committee approved that this action be taken.

Main Street West Road
Reconstruction - Western
Gateway to Hamilton.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 29, respecting Main Street West Road Reconstruction - Western Gateway to Hamilton.

The Committee approved the following:

- (a) That, the treatment of sidewalks on Main Street West from the Highway 403 exit ramp to Locke Street be the same as that scheduled to be implemented on Main Street West from Locke to Queen Streets within the B.I.A.; and,
- (b) That, subject to approval of (a) above, a recommendation be forwarded to the Finance and Administration Committee for their consideration of funding of the Highway 403 to Locke Street portion of the reconstruction project.

NOTE: The Regional Engineering Department is reconstructing Main Street West from the Highway 403 exit ramp to James Street under the 1990 Road and Sidewalk Reconstruction Program. In co-operation with them, the Community Development Department, through the Commercial Improvement Programme, provided funds to upgrade the streetscaping within the Business Improvement Area only (Main Street West from Locke to Queen Streets).

Supply and Delivery of
Office Furniture -
Community Development
Department.

The Committee was in receipt of a report from the Manager of Purchasing dated 1990 March 19, respecting Supply and Delivery of Office Furniture - Community Development Department.

The Committee approved the following:

That a purchase order be issued to C.T.I. Business Furnishings, Mississauga, in the amount of \$12,183.30 for the supply and delivery of office furniture, Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) complete quotations received. Funds provided in various Office Furniture Accounts.

Stage II Funding -
Central Business
District Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 14, respecting Stage II Funding - Central Business District Study.

The Committee approved the following:

- (a) That Hamilton City Council apply to the Ministry of Municipal Affairs for the second stage of funding for the Central Business District Study;
- (b) That the Regional Municipality of Hamilton-Wentworth be asked to endorse the request; and,

- (c) That the City Clerk carry out these recommendations.

NOTE: The Central Business District is half completed and funds (about \$12,000.) for the final portion of the study now need to be requested.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 March 28, respecting Lease Agreement - Pigott Lobby Windows.

Lease Agreement -
Pigott Lobby
Windows.

The Committee approved the following:

- (a) That Section 23 of the Fourth Report for 1990 of the Planning and Development Committee as approved by City Council on 1990 February 13, respecting the preparation of a sale agreement for the Pigott Lobby windows be rescinded;
- (b) That the City Solicitor be authorized and directed to prepare the appropriate lease agreement between the property owner and the City;
- (c) That Reemark Heritage Gardens Ltd. pay to the City a one-time payment in the amount of \$15,000. and a \$1.00 per year payment for 99 years to lease the Pigott stained glass windows from the City;
- (d) That approval of the said lease agreement be subject to the satisfactory arrangement of the installation and the permanent protection of the windows in the Pigott building lobby between the City and the property owner;
- (e) That the Heritage Hamilton Foundation be reimbursed for their contribution (\$3,240.) for the purchase of these windows and that the remaining monies received from Reemark Heritage Gardens Ltd. for the leasing of these windows be returned to the City (Reserve Fund for the Acquisition of Historic Properties); and
- (f) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 March 27, respecting Heritage Easement - Stinson Street School.

Heritage Easement -
Stinson Street
School.

The Committee approved the following:

- (a) That a Heritage Easement be signed between the City of Hamilton and the Hamilton Board of Education for the designated property known as the Stinson Street School at 180 Stinson Street as a pre-requisite for the provincial Community Facilities Improvement Program (C.F.I.P.) grant;
- (b) That the City Solicitor be authorized and directed to take appropriate action to implement this Heritage Easement.

NOTE: The Ministry of Culture and Communications through its C.F.I.P. funding has awarded a matching grant of \$147,200. to the Hamilton Board of Education for restoration of the Stinson Street School.

Alderman J. Smith spoke to the Committee on his request that Staff be authorized to attend an upcoming Ontario Municipal Board Hearing should one arise with respect to a Land Division Committee decision on property at 734 7th Avenue.

O.M.B. Hearing - Staff
to attend - Land
Division Committee -
734 7th Avenue.

Accordingly, the Committee approved the following:

That the appropriate City Staff be authorized to attend an upcoming Ontario Municipal Board Hearing to defend the City's position on a Land Division Committee decision, respecting property at 734 7th Avenue.

Evening Meeting -
P & D - Upper James
Street Land Use Review.

Alderman Ross spoke to the Committee and requested consideration that an evening meeting of the Planning and Development Committee be held in order to consider the Upper James Street Land Use Review. The Committee discussed this and decided that an evening meeting was unwarranted in this instance.

Strathcona Firehall -
Victoria Park -
City Initiative

The Committee was in receipt of a report from the Secretary of the Strathcona Firehall Action Committee dated 1990 March 19, respecting Strathcona Firehall - Relocation to Victoria Park.

Alderman McCulloch briefly outlined the history of the Strathcona Firehall and requested that a City Initiative be undertaken by the Planning Department to rezone Victoria Park to allow the placing of the Strathcona Firehall on that property for museum use.

Alderman McCulloch stressed to the Committee that the purpose of starting the City Initiative at this point, is a matter of timing and does not commit the City to undertaking moving the Strathcona Firehall Building from its present location.

Accordingly, the Committee agreed that a City Initiative be undertaken for the rezoning of Victoria Park, for a museum to be a permitted use.

Zoning Applications.

At this point, the Committee moved to the City Hall Council Chambers to hear Zoning Applications.

ZA90-03 - 41 Rymal
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 23, respecting Zoning Application 90-03, for property located at 41 Rymal Road West.

The Committee approved the following:

That approval be given to Zoning Application 90-03, Ashok Kumar, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit an eight bay self-service car wash and accessory office, for property located at 41 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-320, be further modified to include the following as a special provision:
 - (i) That subsection (a) of Section 2 of By-law No. 89-320 be deleted and the following substituted therefore:
 - (1.) Notwithstanding section 14A(1) of By-law No. 6593, the following Commercial Uses shall be permitted:
 - (a) A coin-operated, manual car wash consisting of not more than eight (8) bays;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1129a, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1129a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for property located at 41 Rymal Road West.

The effect of the By-law is to permit an eight bay, coin-operated manual car wash and accessory office on the subject property.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 28, respecting Zoning Application 89-133, for property at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street.

ZA89-133 - 87,89,91,
93,95 Wellington Street
North and 216 Wilson
Street.

Report of the circularization was given as follows:

834 notices sent 37 in favour 2 opposed

Mr. Fiore Manganiello, owner, for the property spoke to the Committee on the reasons why this Application should be approved. The owner distributed pictures of the area to members of the Committee, as well as letters of submission from:

- (a) Bruno Megna, Megna Real Estate and Insurance Limited Realtor
- (b) Fred J. Robinson, Associated Broker, Royal LePage Real Estate Services Ltd.

The owner also provided a copy of a letter he had sent to Ms. Louise Bolton and Mr. Luigi Muscato, current tenants of the property, advising them of his application for rezoning and offering assistance in finding another location.

Following some discussion on this matter, the Committee approved the following **DENIAL** recommendation:

That Zoning Application 89-133, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified to construct a two-storey office building, for property located at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street, as shown on the attached map marked as Appendix "B", be **DENIED** for the following reasons:

- (a) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "High Density Apartments";
- (b) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning districts to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"). The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;
- (c) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area; and,
- (d) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law.

ZA89-126 - south of
Mohawk Road East
between Upper Wentworth
Street and Mall Road.

Planning and Development Committee -8- Wednesday, 1990 April 4

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 27, respecting Zoning Application 89-126, for property in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road.

The Committee was in receipt of a Letter of Submission from Mr. E. A. Dowler, 395 Mohawk Road East, Apartment 226.

The Committee then approved the following:

That approval be given to Zoning Application 89-126, The Ukrainian Villa of the Resurrection Church in Hamilton, owner and lessee, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the established "E-2" (Multiple Dwellings) District (Block "2"), to permit a new 6 storey, 77 unit senior citizens residence, to be connected to the existing senior citizens residence, for property located in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
- (b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593, as amended by By-law 82-99, applicable to Blocks "1" and "2" be further modified to include the following variances as special requirements.
 - (i) That Section 2.(b)(i) of By-law No. 82-99 be amended by changing the number of dwelling units from "100" to "152", and the gross floor area from "7,884.049 square metres" to "10,550.0 square metres";
 - (ii) That the following new subclauses be added to Section 2 of By-law No. 82-99:
 - "(iii) notwithstanding Section 11B(3)(ii)(b) of By-law No. 6593 a minimum side yard of 3.0 m shall be permitted.
 - (iv) notwithstanding Section 18A(14) four parking spaces shall be permitted in the required front yard adjacent to Upper Wentworth Street."
 - (iii) That Section 18A(11)(a) and (12)(b) and (c) shall not apply to the loading space.
- (c) That Schedule "A" to By-law No. 82-99 be amended by adding thereto the lands described as Block "1".
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-789a, and that the subject lands on Zoning District Map E-27 be notated S-789a;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the "E-2" (Multiple Dwellings) District (Block "2"), for property located in the area south of Mohawk Road East, between Upper Wentworth Street and Mall Road, shown as Blocks "1" and "2".

The effect of the By-law is to permit a new 6 storey, 77 unit senior citizens residence to be connected to the existing senior citizens residence.

In addition, the By-law provides for the following variances:

- (a) To permit a combined senior citizen's apartment development having a total of 152 dwelling units and a maximum gross floor area of 10,550.0 m², whereas a 100 unit senior citizen's apartment building having a maximum gross floor area of 7,884.049 m² is permitted;
- (b) To permit a minimum side yard of 3.0 m for the development whereas a minimum side yard of 13.5 m is required;
- (c) To permit four parking spaces in the required front yard adjacent to Upper Wentworth Street;
- (d) To exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m high to 2.0 m high visual barrier between the most westerly loading space and the adjoining residential district the north.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 28, respecting Zoning Application 90-05, for property bounded by Main Street West, Caroline Street South, George Street and Hess Street South.

ZA90-05 - area
bounded by Main Street
West, Caroline Street
South, George Street
and Hess Street South.

Report of the circularization was given as follows:

1,100 notices sent 35 in favour 28 opposed

The Committee was in receipt of a Letter of Submission from the following:

- (a) D. E. McCoy, President, Colours, 32 Hess Street South
- (b) Carol-Ann Nelson, 2105-191 Main Street West

Mr. Rigby, of Hess Street spoke in opposition to this Application and made mention that the parking in Hess Village is very limited now, and that the land of the Applicant is now used for parking. He questioned how many parking spaces in the development would be available for the Public.

The Committee then approved the following:

- (a) That approval be given to Zoning Application 90-05, Beckville Holdings Ltd., prospective owner, requesting a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a further modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3", to permit redevelopment of the lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West and 16 2-1/2 storey townhouse style commercial units fronting onto George Street, as shown on the attached map marked as Appendix "D", on the following basis:
 - (i) That By-laws 77-76, 87-58, and 87-251 be repealed in their entirety;
 - (ii) That Block "1" be rezoned from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District;

- (iii) That the "HI" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593, applicable to Blocks "4" and "5", as shown on Appendix "E", be modified to include the following variances as special provisions:
- (1.) That notwithstanding Section 15A(1) of Zoning By-law No. 6593, not more than 409 Class A dwelling units shall be permitted on the lands described as Block "5";
 - (2.) That notwithstanding Sections 15A(1)(ix), 15A(1)(xii), and 15A(1)(xv) of Zoning By-law No. 6593, the premises occupied by the uses shall not be prohibited from having access from or fronting on a street;
 - (3.) That notwithstanding Section 15A(2)(ii) of Zoning By-law No. 6593, the height of any building on Block "5" shall not exceed twenty-three storeys and the height of any building on Block "4" shall not exceed three storeys;
 - (4.) That notwithstanding Section 15A(2)(ii) of Zoning By-law No. 6593, a side yard of not less than 1.0 m in width shall be provided and maintained along the east and west side lot lines and a side yard not less than 0.5 m in width shall be provided and maintained along the north side lot line;
 - (5.) That Section 15A(3)(ii) of Zoning By-law No. 6593 shall not apply;
 - (6.) That notwithstanding Section 15A(3)(d) of Zoning By-law No. 6593, a gross floor area of not more than 8.4 times the area of the lot shall be permitted;
 - (7.) That Section 4(3)(a) of Zoning By-law No. 6593 shall not apply;
 - (8.) That notwithstanding Section 18A(1) of Zoning By-law No. 6593 a minimum of 453 parking spaces shall be provided and maintained, and the required parking spaces and associated manoeuvring space may be provided partially in the Main Street West road allowance;
 - (9.) That notwithstanding Sections 18A(1)(c) and 18A(1)(d), a minimum of two loading spaces having dimensions of 18.0 m x 3.7 m x 4.3 m shall be provided and maintained;
 - (10.) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, not more than 205 of the required parking spaces located on Block "5" shall have a length of not less than 5.7 m;
 - (11.) That a minimum of 2,081 m² of landscaped area shall be provided and maintained, of which not less than 1,022 m² shall be provided and maintained at grade.
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1171, and that the subject lands on Zoning District Map W-4 be notated S-1171;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
- (vi) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- (b) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the By-law is to provide for a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3".

The effect of the By-law is to permit redevelopment of the subject lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West, and 16 2-1/2 storey townhouse style commercial units fronting onto George Street. In addition, the By-law provides the following variances as special provisions:

- (a) To permit a building with 23 storeys on Block "5" and a maximum building height of 3 storeys on Block "4", whereas 18 storeys are permitted;
- (b) To permit side yards of 1.0 m along the east and west side lot lines and 0.5 m along the north lot line whereas 3.0 m is required;
- (c) To eliminate the rear yard whereas a rear yard of 3.0 metres is required on George Street;
- (d) To permit the buildings to have a maximum of 8.4 times lot coverage whereas 8.0 times coverage is permitted;
- (e) To permit two large loading spaces whereas four loading spaces (three large and one small) are required;
- (f) To require 453 parking spaces and to permit 205 of the required parking spaces to have a minimum length of 5.7 m whereas 6.0 m is required;
- (g) To provide a landscaped area of 2,081 m² (22,400 square feet) on the lot, of which not less than 1,022 m² shall be provided at grade whereas no landscaping is currently required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 27, respecting Neighbourhood Plan Review, north-west part of the Crerar Neighbourhood.

The Committee approved the following:

That the Neighbourhood Plan changes for the north-west part of the Crerar Neighbourhood, as shown on the attached map marked as Appendix "F" be adopted by Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 26, respecting Proposed Draft Plan of Subdivision Application 89-19, for property located south of the future Mountain Freeway and east of Upper Wellington Street.

The report also contained information for a Zoning Application 89-98, for property east of Upper Wellington Street, and south of the proposed Mountain Freeway. The report also contained information on Zoning Application 89-131, for property located on the east of Upper Wellington Street, south of the proposed Mountain Freeway. The report further contained a report on an amended Zoning Application 89-132, for property located east of Upper Wellington Street and south of the proposed Mountain Freeway.

Neighbourhood Plan Review - north-west part of the Crerar Neighbourhood.

Subdivision Application 89-19 - south of the future Mountain Freeway and east of Upper Wellington Street.

The Committee was in receipt of a Letter of Submission from Donald J. Logan, Planning Consultant, Miller O'Dell Planning Associates.

Mr. J. Swartz of the Regional Planning Department advised the Committee that the Application should be amended to reflect only the names of Mr. M. Wasserman as the sole owner, rather than the three co-owners as originally noted in the report.

Some discussion also ensued with respect to the determination of the value of the remaining lands from the 5% of the lands included in the Subdivision Application for park purposes which is to be considered by the Parks and Recreation Committee.

The Committee then approved the following recommendation, with respect to the Subdivision Application:

- (a) That approval be given to Subdivision Application 89-19, M. Wasserman, owner, to establish a draft plan of subdivision, located south of the future Mountain Freeway and east of Upper Wellington Street, subject to the following conditions:
 - (i) That approval apply to the plan prepared by A. J. Clarke, dated 1989 September 20, revised on 1989 March 23, and further revised to show 137 lots, 3 blocks (Blocks "138", "139" and "140") for attached housing, 2 blocks (Blocks "145" and "146") as a road widening, 1 block (Block "144") for a grade separation, 2 blocks (Blocks "147" and "148") as a 0.3m reserve and 1 block (Block "141") for development with adjacent lands.
 - (ii) That the streets be dedicated to the City of Hamilton as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton.
 - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the Parks and Recreation Committee be requested to consider the conveyance of 5% of the lands included in the Subdivision Application Plan 89-19 by M. Wasserman for park purposes, and that the value of the remaining lands which are to be acquired by the City of Hamilton be determined.
 - (viii) That the open side of the road allowance be terminated with a 0.3m reserve (Blocks "147" and "148") to be conveyed to the City of Hamilton and be held by the City until required for development of the adjacent lands.
 - (ix) That Block "141" be conveyed to the City of Hamilton and be developed only in conjunction with adjacent lands.

- (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway on Block "138" and Lots 60 to 83 inclusive for the purpose of constructing a landscaped noise barrier.
 - (xi) That the owner agree to provide appropriate access to Lots 82, 83 and 137 to the satisfaction of the City of Hamilton.
 - (xii) That a twelve (12) metre by twelve (12) metre daylight triangle be established from the widened limits at the intersection of Upper Wellington Street and Sirente Drive.
 - (xiii) That the centreline radius of all streets with curves are to have a minimum of 110 metre radii, except for the centreline radius of Sirente Drive between the north-south leg of Crescent "A" and Court "B". The centreline at this point is to be established at a 250 metre radius in order to provide proper sight distances at Crescent "A".
 - (xiv) That Marlene Drive (now known as Cyprus Drive), is to be established at its full width in conjunction with the registration of the Final Plan.
 - (xv) That a two (2) metre by two (2) metre daylight triangle is to be established on the corner of Lot 84.
 - (xvi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xvii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-19), M. Wasserman, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the changes to the Crerar Neighbourhood, as shown on the recommended plan for this subdivision, be approved by the Council of the City of Hamilton.

With respect to Zoning Application 89-98, for property located east of Upper Wellington Street, south of the proposed Mountain Freeway, the Committee approved the following:

That approval be given to Zoning Application 89-98, Marvin Wasserman, owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), to permit the development of the subject lands for a park (Block "1"), single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, as shown on the attached map marked as Appendix "G", on the following basis:

ZA89-98 - east of Upper Wellington, south of the proposed Mountain Freeway.

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (c) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18B and E-18C for presentation to City Council;
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.

The effect of this by-law is to retain Block "1" for open space purposes and to permit the development of the remaining lands for single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3").

ZA89-131 - east of Upper Wellington, south of the proposed Mountain Freeway.

With respect to Zoning Application 89-131, for property east of Upper Wellington Street and south of the proposed Mountain Freeway, the Committee approved the following:

- (A.) That Zoning Application 89-131, Marvin Wasserman, owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for an apartment building having a maximum height of eight (8) storeys, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6" on the attached map marked as Appendix "H", be DENIED for the following reasons:

- (a) The proposed amendments to the Crerar Neighbourhood Plan designate the lands for "Park and Recreational". It is intended that this site, as well as the site to the east (i.e. Block "1") be retained as a woodlot, since it is a unique natural feature.
- (b) It is an inappropriate land use given its location within the interior of the neighbourhood. Higher density uses should be more appropriately located on the periphery of the neighbourhood (Upper Wellington Street).

- (B.) That approval be given to an amended Zoning Application 89-131, Marvin Wasserman, owner, requesting a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6") to permit the retention of the subject lands for open space (wood lot purposes) in conjunction with the lands to the east, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6", on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "6" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6".

The effect of this by-law is to retain Block "6" for open space purposes (woodlot) in conjunction with the lands to the east.

With respect to Zoning Application 89-132, for property east of Upper Wellington Street and south of the proposed Mountain Freeway, the Committee approved the following:

That approval be given to an amended Zoning Application 89-132, Marvin Wasserman, owner, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), to permit the development of the subject lands for townhouses, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Blocks "4" and "5" on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "4" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (b) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;
- (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "4", be modified to include the following variance as a special requirement:
 - (i) That Section 10E(2)(a)3. shall be prohibited.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1172, and that Block "4" on Zoning District Map E-18B be notated S-1172;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.

The effect of this by-law is to permit the development of the subject lands for townhouses (Block "4") and street townhouses (Block "5").

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 27, respecting amended Zoning Application 89-55, for property at 286 Sanford Avenue North.

The Staff recommendation recommends DENIAL for this application, for the following reasons:

ZA89-132 - east of Upper Wellington, south of the proposed Mountain Freeway.

Amended ZA89-55 - 286 Sanford Avenue North.

- (a) It conflicts with the intent of the approved Gibson Neighbourhood Plan which designates the subject land "Industrial"; and,
- (b) The Ministry of the Environment has advised that the proposed mitigative measures (e.g. sealed windows, air conditioning) are not acceptable as a means of noise control in this situation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses.

The report of the circularization was given as follows:

137 notices sent 6 in favour 7 opposed

The Committee was in receipt of the following Submissions:

- (a) S. Joginder, 72 Calderbridge Crescent, Unionville, Ontario.
- (b) Executive Director, Housing Help Centre - Hamilton-Wentworth, 135 Rebecca Street.
- (c) M. B. Foley, Planning Co-ordinator, West Central Region, Ministry of the Environment.
- (d) David Montgomery, Trustee Chairman, Livingston United Church, 200 Sanford Avenue North.
- (e) Grace Mancini, 2 Milton Avenue.
- (f) The United Electrical Radio & Machine Workers of Canada, Local 504.
- (g) Meridian Co-operative Homes Inc.

A representative of Westinghouse Canada and Slater Steel spoke to the Committee and advised that while both companies support affordable housing, they feel that the area of Sanford Avenue North and the Old Westinghouse Office Building is inappropriate for housing. They feel that the area is too industrial and thus incompatible to residential use.

The representative outlined the production of Westinghouse Canada and Slater Steel, as well as a history of their operations in the Hamilton area and the high-density traffic generated due to shift change.

The President of Local 504 of the United Electrical Workers Union spoke to the Committee and expressed their concerns and opposition to the Application in their view that employees have decreased significantly over the years at the Companies, and that jobs are being moved to the States. He added that they fear that adding a residential component in this area may affect the Company's operation in Hamilton.

A representative from the United Steelworkers of America spoke to the Committee and indicated the Union's fear of the impact that the development would have on industries and job security to the Community.

Mr. Sean Goetz-Gadon, Homestarts and Meridian Co-operative representative, as well as his Associates spoke to the Committee in support of the Application. He spoke to the Committee about the numerous meetings which had been held with all parties and encouraged the approval of this Application.

A representative from the Ministry of Housing spoke to the Committee and advised that she hopes that all parties can reach a resolve to this situation.

Moved by Alderman Drury, seconded by Alderman Christopherson and carried to approve the Application as follows:

- (a) That approval be given to Official Plan Amendment No. 89 to redesignate the lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "I" from "Industrial" to "Residential" and to remove them from "Special Policy Area II", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 89-55, Meridian Co-operative Homes/Homestarts, prospective owner, for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building to a 74 unit (maximum) co-operative/non-profit multiple dwelling on lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
 - (i) That the subject lands be rezoned from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
 - (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 11 of By-law No. 6593 the building existing at the date of passing of this By-law may be converted to a multiple dwelling containing a maximum of 74 dwelling units, provided not less than 30% of the dwelling units shall be designated for the accommodation of elderly persons of at least 60 years of age.
 - (2.) That notwithstanding Section 18A(8) the 4 parallel parking spaces adjacent to the southerly side property line shall have a width of not less than 2.31 m minimum.
 - (3.) That notwithstanding Section 18A(14) parking spaces may be permitted in the required front yard.
 - (4.) That notwithstanding Section 18A Table 1.(g) parking spaces shall be provided and maintained for the multiple dwelling on the following basis:
 - (a) 0.3 of a space per dwelling unit for elderly persons; and,
 - (b) 0.8 of a space per dwelling unit for other than elderly persons.
 - (5.) That Table 3, 2. of Section 18A shall not apply;
 - (6.) That notwithstanding Section 18A Table 6, the required manoeuvring space aisle width for the 4 parallel parking spaces shall be 3.5 m minimum;
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1170, and that the subject lands on Zoning District Map E-21 be notated S-1170;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-21 for presentation to City Council;
 - (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 89 by the Regional Municipality of Hamilton-Wentworth;

- (vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Medium Density Apartments".

NOTE: The purpose of the By-law is to provide for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, for property located at 286 Sanford Avenue North.

The effect of the By-law is to permit the conversion of the existing building to a 74 unit (maximum) co-operative/non-profit multiple dwelling.

In addition, the By-law provides for the following variances as special requirements.

- (a) To require that not less than 30% of the dwelling units shall be designated for the accommodation of elderly persons, of at least 60 years of age;
- (b) To permit 4 parallel parking spaces to have a width of 2.31 m instead of the required 2.5 m minimum (Section 18A.(8)).
- (c) To permit parking spaces in the required front yard (Section 18A(14));
- (d) to require off-street parking on the following basis:
(Section 18AT Table 1.(g))
 - (i) 0.3 of a space per dwelling unit for elderly persons;
and,
 - (ii) 0.8 of a space per dwelling unit for other than elderly persons;
- (e) To exempt the development from requiring one large loading space (Section 18A. Table 3,2.);
- (f) To reduce the required manoeuvring space aisle width for 4 parallel parking spaces from the required 3.7 m to 3.5 m minimum (Section 18A. Table 6)

Quorum lost.
Unfinished business
recessed to the next
regular meeting of
the Committee.

At this point, the Committee lost a quorum and it was agreed that the following Agenda Items would be placed on the next meeting of the Committee as re-scheduled Items from the recessed meeting:

- (a) City Initiative 90-8 - Amendments to the "F-3" and "F-4" District regulations.
- (b) Walkway Closure between Cranbrook Drive and Gardiner Drive; Gilkson Neighbourhood.
- (c) Amendment to By-law No. 88-135 - 1489-1545 Upper James Street; Ryckman's Neighbourhood (ZA-87-84).

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 April 4

2.

FOR ACTION

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: 23 April 1990

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the following property: -

a. 279 Lake Avenue North

That the following demolition applications be tabled: -

b. 150 Catharine St. South

c. 152 Catharine St. South

FINANCIAL IMPLICATIONS: N/A

A handwritten signature in dark ink, appearing to be 'Rhy', with a long horizontal flourish extending to the right.

BACKGROUND:

For background information see attached sheets.

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: 23 April 1990

RECOMMENDATION

ZONE

OWNER

LOT
SIZE

PROPOSED
USE

PRESENT
USE

ADDRESS

ITEM

A.	279 Lake Ave. N.	S.F.D.	Vacant	870' X 860'	Baycoat Limited Partnership	"JJ-KK"	It is recommended that Committee approve demolition.
B.	150 Catharine S.	S.F.D.	Condominiums	22.5' X 137'	Buckingham York Ltd. (Mr. Bartkiw)	"E-3"	It is recommended that Committee table demolition. NOTE: Of interest to L.A.C.A.C.
C.	152 Catharine S.	S.F.D.	Condominiums	21.5' X 137'	Buckingham York Ltd. (Mr. Bartkiw)	"E-3"	It is recommended that Committee table demolition. NOTE: Of interest to L.A.C.A.C.

L.C. King, P. Eng.,
Building Commissioner
/WKW/ggf

3.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 April 25
COMM FILE:
DEPT FILE: 800-0014.2

SUBJECT: Business Improvement Areas - Commercial Improvement
Programme, 1990 Submission

RECOMMENDATION:

- a) That, the Commercial Improvement Programme Submission (attached as Schedule 'A') be approved at an estimated gross cost of one hundred and thirty-nine thousand, nine hundred and forty dollars (\$139,940.); and,
- b) That, the Department of Community Development be authorized to implement the recommendations in (a) above.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

On 1987 January 29, City Council approved the Department of Community Development's Capital budget submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two and a half million dollars (\$2,500,000.) for the Commercial Improvement Programme. There is approximately six hundred and sixty-six thousand dollars (\$667,000.) unallocated as per Schedule 'B' if Schedule 'A' is approved.

BACKGROUND:

From 1987 to 1989, City Council has approved a total of one million, two hundred and seven thousand, one hundred and seventy-three dollars (\$1,207,173.) for improvements within the eight existing B.I.A.'s.

Submissions for the 1990 Commercial Improvement Programme have been received from six out of the eight Business Improvement Areas and reviewed by the Downtown Action Plan Co-ordinating Committee (DAPCOM). Schedule 'A' is based on this review.

All maintenance costs after the first year should be included in the appropriate departments current budgets. A copy of this report will be forwarded to all of the appropriate standing committees of Council.

cc: Alderman McCulloch, Chairman
Downtown Action Plan Co-ordinating Committee (DAPCOM)

Ms. L. Dale, Acting Secretary
Transport and Environment Committee

Ms. L. Dale, Secretary
Parks and Recreation Committee

Mr. J. Pavelka, Director
Public Works Department

Mr. E. Matthews, Treasurer
Treasury Department

Mr. T. Gill, Acting Commissioner
Engineering Department

COMMERCIAL IMPROVEMENT PROGRAMME 1990

<u>B.I.A.</u>	<u>ITEMS REQUESTED</u>	<u>COST</u>	<u>IMPLEMENTATION DATE</u>
Concession Street	-8 Bicycle Racks	\$ 3,000.	1991
	-2 Litter Containers and	800.	1990
	-1 year maintenance	760.	
Downtown Promenade	-Gazebo and	10,000.	1991
	-1 year maintenance	1,500.	
	-Gore Park Electrical Service Upgrade	14,000.	1991
	-Gore Park Lighting Upgrade	12,000.	1991
	-Streetsigns	7,500.	1991
International Village	-2 Litter Containers and	800.	1990
	-(1 year maintenance)	760.	
	-16 Planters	9,600.	1990-91
Jamesville	-Alleyway Lighting	3,400.	1990
Ottawa Street	-4 Concrete Benches	1,380.	1990
	-16 Large Planters	9,600.	1990
	-150 Plaques	5,000.	1990
	-Plaque installation	1,200.	1991
	-Secondary Lighting, switches & photocells	12,000.	1990
	-Tree, Conduit, Grate	1,000.	1990
Westdale	-10 Iron Wrought Benches and	6,600.	1990-91
	-1 year maintenance	900.	
	-3 Trees, Grates	3,000.	1990
	-4 Planters	2,400.	1990
SUB TOTAL		107,200.	
20% CONTINGENCY		21,320.	
10% ADMINISTRATION		10,660.	
TOTAL:		139,940.	
Main Street West*	-Streetscaping	375,000.	1990-91
	20% Contingency	75,000.	
	10% Administration	37,500.	
		488,260.	
1990 Total		627,960.	

* Previously approved

**COMMERCIAL IMPROVEMENT PROGRAMME BUSINESS
IMPROVEMENT AREA COST BREAKDOWN**

<u>B.I.A.</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990*</u>	<u>To Date With *</u>
Barton General	\$ -	\$207,500.	\$ -	\$ -	\$207,500.
Concession St.	55,600.	16,800.	25,000.	4,560.	101,960.
Downtown Promenade	-	58,900.	18,950.	45,000.	121,350.
International Village	23,600.	15,000.	7,500.	11,160.	57,260.
Jamesville	-	-	27,725.	3,400.	31,125.
Main Street West	-	-	-	375,000.	375,000.
Ottawa Street	110,000.	72,700.	26,000.	30,180.	238,880.
Westdale Village	117,050.	90,000.	23,600.	12,900.	242,950.
Floral basket and planter maintenace			45,000		
SUB TOTAL	\$306,250.	\$460,900.	\$173,775.	\$482,200.	\$1,421,025.
CONTINGENCY (20%)	61,250.	92,180.	25,775.	96,320.	275,225.
ADMINISTRATION (10%)	30,625.	46,090.	12,878.	48,160.	137,603.
TOTAL	\$398,125.	\$599,170.	\$212,428.	\$626,680.	\$1,833,853.

* SUBJECT TO APPROVAL

4.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 23, 1990
COMM. FILE:
DEPT. FILE: DA-89-64
Lisgar
Neighbourhood
(ZA-87-60)
(DA-86-84)
(DA-82-61)

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Site Plan Control Application DA-89-64 to amend DA-82-61 and DA-86-84 for an addition to the existing commercial plaza at 985 Upper Ottawa Street and 5 Carson Drive.

RECOMMENDATION

1. That approval be given to Site Plan Control Application DA-89-64, amending DA-82-61 and DA-86-84, by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, subject to the following:
 - i) modification to the plan in relation to notes, dimensions and landscaping as marked in red on the plans; and,
 - ii) finalization of the by-law related to Zoning Application ZA-87-60;

and further;

2. That the following resolution be forwarded to City Council for approval;

That in regard to Site Plan Control Application DA-89-64 by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, that the following be approved:


- a) That the plans and drawings of Site Plan Control Application DA-89-64, be registered on title; and,
- b) That the neighbourhood plan be amended to redesignate the subject lands from "ATTACHED HOUSING" to "COMMERCIAL" as approved under Zoning Application ZA-87-60 to permit an expansion to the existing shopping plaza.

EXPLANATORY NOTE

Since the plans and drawings were submitted as exhibits at the Ontario Municipal Board Hearing held August 15, 1989, they should be registered on title to ensure that the development of the lands are consistent with the Boards decision and the approval of Site Plan Control Application DA-89-64.



**A.L. Georgleff, M.C.I.P.
Director of Local Planning**



**J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department**

BACKGROUND

Plans have been submitted for an addition to the existing commercial plaza development at 985 Upper Ottawa Street and 5 Carson Avenue. The proposed addition will have a gross floor area of 2,200.48 m² for a total plaza gross floor area of 5,670.480 m², with 292 parking spaces and two (2) loading spaces provided on the lot. The exterior of the building will be constructed of brick veneer and architectural concrete block, with a prefinished metal front canopy. A landscape treatment has been proposed to be extended along Upper Ottawa Street and Carson Drive, and along the easterly boundary.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the grading plan is satisfactory. However, the mature height of vegetation within a 5 m x 5 m visibility triangle, taken from the property line and the access, should not exceed 0.8 m above the corresponding centre-line of the road allowance. This also applies to a 9 m x 9 m daylight triangle established at the street line intersections of Upper Ottawa and Carson Drive. The trees as shown on the landscape plan should therefore not be planted within the area to ensure adequate motorist visibility.

The Building Department in their attached letter has made several comments with respect to the proposed development. The various comments deal with statistics, parking layout, previous agreements, Committee of Adjustment decision, and specific sections of the by-law.

The Traffic Department has reviewed the plan submitted and has found it to be satisfactory.

COMMENTS

The proposed development under Zoning Application ZA-87-60 was the subject of a hearing of the Ontario Municipal Board on February 6, 1989 with a decision given on March 6, 1989. On August 15, 1989, the Ontario Municipal Board reconvened to further examine the development. In its decision of September 26, 1989, the Ontario Municipal Board indicated that the order will be withheld until the Board is advised that the final site plan and site plan agreement has been entered into in accordance with Exhibit 21A and its decision. The amending by-law is also to be forwarded to the Board for attachment to the Board's order.

The submitted plans are consistent with those presented as exhibits to the Ontario Municipal Board. Modifications have been marked in red on the plans to incorporate details or to provide clarification as commented upon by the various departments.

With regard to the Building Department comments, the items dealing with certain numbered sections of the proposed and existing by-laws are resolved by the draft by-law and changes to the plan as marked in red. Details concerning Site Plan Control Application DA-84-57 deal with the Sunoco gas bar site which is a separate property and not part of this development. Details of Site Plan Control Application DA-86-84 deal with a garbage compactor which have not changed and are shown in the same detail on the subject development plans.

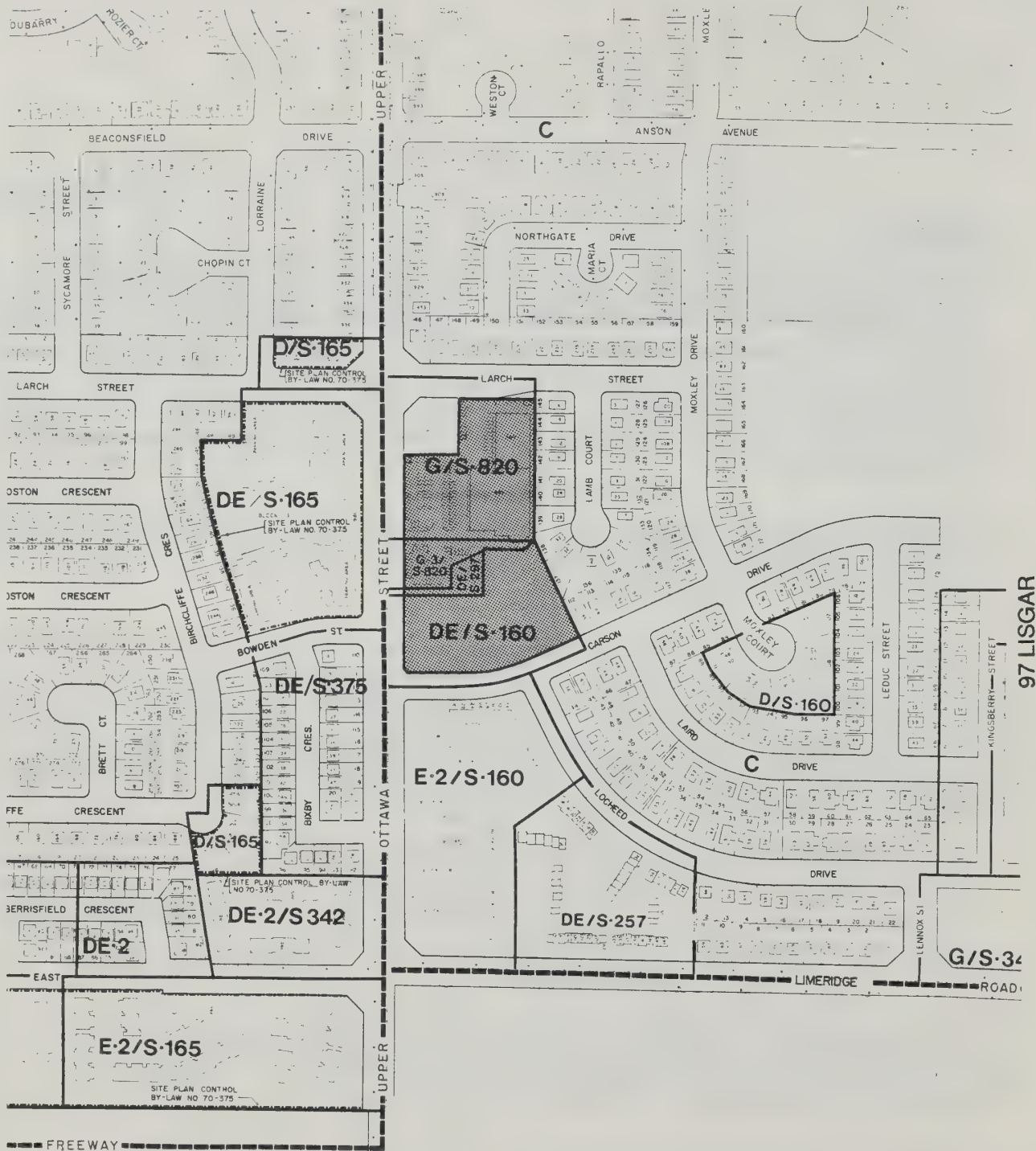
The landscape plan provides fencing and plantings along Carson Drive and the easterly property line. Two planting areas are also provided along Upper Ottawa Street. Some low shrub hedge materials have been marked in red in sections along Upper Ottawa Street to provide some broken screening of the parking area. A minor section of the fencing has also been relocated to allow greater visibility at the corner of Carson Drive and Upper Ottawa Street.

As previously noted, the decision of the Ontario Municipal Board referred to certain exhibits showing the proposed development. It is therefore considered appropriate that the development plans, which are consistent with those exhibits, be registered on title of the land.

In addition, the neighbourhood plan should be modified to change the designation for a portion of the subject lands from "ATTACHED HOUSING" TO "COMMERCIAL" in accordance with the decision of the Ontario Municipal Board for rezoning of the site. A resolution should therefore be forwarded to Council changing the site from "ATTACHED HOUSING" to "COMMERCIAL".

JPS/JL/ma
WPDA8964

11 BERRISFIELD



City of Hamilton
Plan Showing
Lands Subject to

Site Plan Control Application DA-89-64

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
JUNE, 1989

Reference File No.
DA-89-64

Drawn By
G.G.



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

PRESENT ZONING: "G/S-413, S-413a, S-820", "G-3/S-820", "DE", DE/S-160

DATE: August 8, 1989

Mr. V.J. Abraham
Director of Local Planning
Planning and Development Department

Dear Sir:

RE: DA-89-64
985 Upper Ottawa St. and 5 Carson Drive

The above, under cover of your letter dated June 22, 1989, has been examined.

Yours truly,

for the Building Commissioner

/dm

COMMENTS:

N.B. This property is also known as 969 Upper Ottawa Street.

1. Parking and loading requirements are based on the total floor area contained within the perimeter of the building including any mezzanine area.
 - a) DA-82-61 indicated a floor area of 3716.0m² and a building area of 3424.3m².
 - b) DA-86-84 indicated a building area of 3470.0m²
 - c) The individual building areas total more than the total proposed building area indicated. Therefore, the existing, proposed and total areas shall be revised so as to indicate the total floor area.

2. The revised parking layout of the existing parking area will block the access to the gas bar from the mall parking area as indicate on DA-84-57.
3. This proposed site plan control application does amend the existing DA-86-84 and also DA-84-57, which is registered on title.
4. The decision of the Committee of Adjustment A-87-103 had a condition that it shall only be in force as long as DA-86-84 was unchanged. Since this proposal is amending the existing DA, the garbage compactor is not permitted to be located in the front yard.
5. Section 2(b) of the proposed by-law amendment shall also refer to clause 18A(11) of Zoning By-law #6593.
6. The site plan requires additional information to verify the minimum requirements of Section 18A of Zoning By-law #6593 with respect to the sizes of parking spaces, loading spaces, manoeuvring spaces, and access driveways.
7. The visual barrier has not been indicated on the site plan as required by the proposed by-law amendment.
8. Section 2(c) of By-law 84-101 should be amended to restrict the access to and egress from Larch Street to the gas bar lands as per the decision of the O.M.B..
9. The proposed and existing zoning district is "G" not "G-1" as indicated on the site plan with several by-laws with special requirements pertaining to different portions of this development.

F O R A C T I O N**REPORT TO:**

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 25, 1990

COMM. FILE:

DEPT. FILE: CI-90-A

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

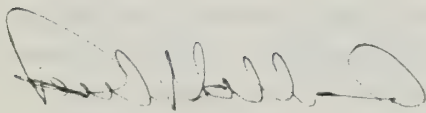
SUBJECT:

Request for By-laws - Section 56 of the Planning Act.

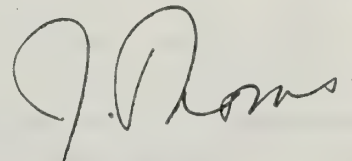
RECOMMENDATION:

That approval be given to City Initiative 90-A, M. and I. Bakai, applicants, for two By-laws to validate title under Section 56 of the Planning Act, for properties located at Nos. 203 and 205 Hess Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the City Solicitor be directed to prepare By-laws pursuant to Section 56 of the Planning Act for presentation to City Council.



A.L. Georgleff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

- Section 56 - Planning Act

Section 56 of the Planning Act is intended to permit municipal Councils to forgive past Planning Act violations respecting subdivision control.

Section 56(2) specifically empowers a municipality to pass a By-law requesting a Ministerial Order deeming no contravention of the Planning Act.

● Proposal

The firm of STRAUSS, COOPER (Barristers & Solicitors) has been retained by the Errors & Omissions Department of the Law Society of Upper Canada to initiate and complete the subject applications under Section 56 of the Planning Act (see APPENDIX "B").

Nos. 203 and 205 Hess Street North are each occupied by one half of a semi-detached dwelling. Historically, the two properties have been separately owned. However, in 1978 both properties came under one ownership (Stefano & Carmela Esposto). In 1986, title to both properties was conveyed to D.T.H. Holdings Limited, and in 1987 the title in both properties was conveyed to the applicants (M. & I. Bakai).

Apparently, there is some possibility that these conveyances contravened the subdivision provisions of the Planning Act, because one followed the other. It is understood that because the Espostos first conveyed No. 203 Hess Street North to D.T.H. Holdings Limited in 1978, and then immediately thereafter conveyed No. 205 to the same party, they technically "retained the fee" in abutting lands contrary to Section 49 of the Planning Act (Subdivision Control).

Presumably, the same technical violation applies to the present owners. As a consequence of the possible technical contravention of the subdivision control provisions under Section 49 of the Planning Act, it is possible that the Bakais did not obtain a good title to the subject properties.

The solicitors (Strauss, Cooper) have advised that this matter is being pursued under Section 56 of the Planning Act rather than by an application for consent because they do not know the whereabouts of Stefano and Carmela Esposto. In this regard, their signatures would be required on correcting deeds and the application for consent.

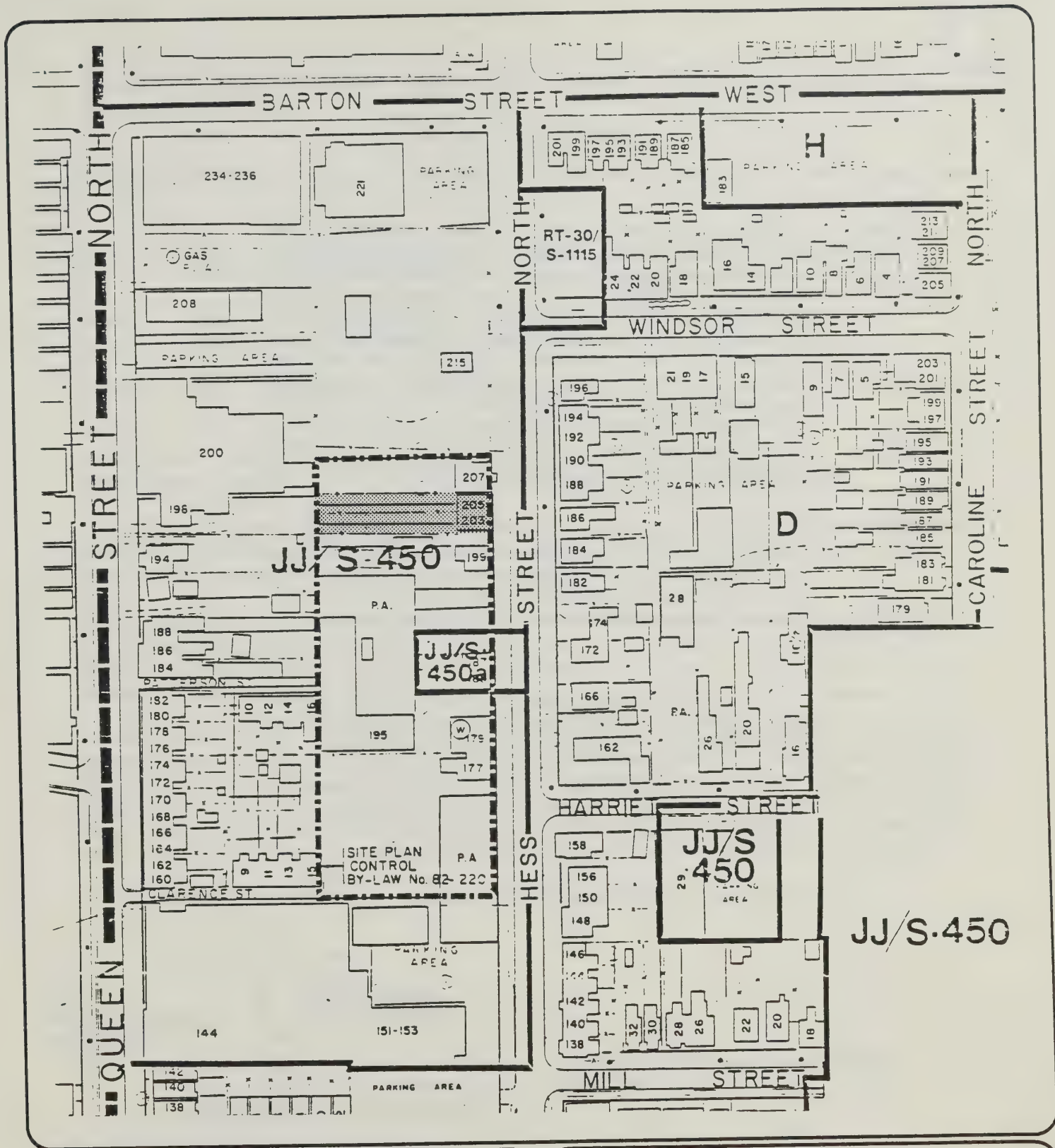
COMMENTS

The applications can be supported on the basis that they are intended to clarify the validity of the title of Mr. & Mrs. Bakai, and the associated mortgages. Furthermore, no new lot or parcel is being created as a consequence of these by-laws.

The applications have been reviewed by the City Solicitor's Department, and they are satisfied that the requests are legitimate for Section 56 By-laws.

CONCLUSION

On the basis of the foregoing, the applications can be supported.



CITY OF HAMILTON

APPENDIX "A" LOCATION MAP

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands

North



Scale
NOT TO SCALE

Date
February, 1990

Reference File No.
CI - 90 - A

Drawn By
L.B.

Effect of
contravention
of s. 49, etc.

56.—(1) The Minister may by order, in respect of land described in the order, provide that the contravention of section 49 or a predecessor thereof or of a by-law passed under a predecessor of section 49 or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which the order is made by the Minister. 1989, c. 5, s. 24.

Proviso

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Conditions

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

Proviso

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 52. 1983, c. 1, s. 56 (2-4).

6.
Corporation of the City of Hamilton

Memorandum

TO: Mr. A. Georgieff
Director of Local Planning

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: City Initiative - Harbour Zoning.

DATE: 1990 April 23

As you are aware, the above-noted matter was discussed by the Planning and Development Committee at its meeting held Wednesday, 1990 April 18.

A considerable amount of discussion ensued on this matter with specific concerns addressed, and whether carrying through with the City Initiative would place the City in an untenable position in years ahead.

Accordingly, the Committee agreed that they would table this matter until their next meeting at which time Mr. Binnie, the City Solicitor on Harbour matters would be in attendance to provide the Committee with an update on the Harbour issues which involved the City.

It was agreed that this would be an In-Camera meeting and I have been advised by Mr. Brian Loreto of the City Solicitor's Office that Mr. Binnie has confirmed his attendance at this meeting of the Planning and Development Committee which will be held on Wednesday, 1990 May 2. I understand that Mr. P. Mallard of your Department will be speaking to me on the appropriate timing for this matter in relation to the Zoning matters that you plan to schedule for that meeting.

Trusting that confirmation of this matter is of assistance to you.

Susan K. Reeder

c.c. - Alderman J. Smith, Chairman, Planning & Development Committee
- Ms. Patrice Noé Johnson, City Solicitor
Attention: Mr. B. Loreto

7.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 24, 1990

COMM. FILE:

DEPT. FILE: ZA-88-119

Nashdale

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 26 Arrowsmith Road.

RECOMMENDATION

1. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit general office uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to amended Zoning Application 88-119, DiMarcantonio Industries Ltd. (S. Dimarcantonio, D. DiMarcantonio, and P. DiMarcantonio), owners, requesting a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District, to permit general office use within the existing building, for property located at No. 26 Arrowsmith Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations as contained in Sections 16A and 17A of Zoning By-law of No. 6593, applicable to the subject lands, be modified to contain the following variance as a special provision:
 - a) That notwithstanding Sections 16A(1) and 17A(1) of Zoning By-law No. 6593, general offices shall be permitted within the existing building only;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-103 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
 - iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations for property located at No. 26 Arrowsmith Road, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the existing manufacturing use, general office uses within the existing building.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant has advised that there is surplus space within the existing building due to changes in the applicant's manufacturing business. The applicant wishes to lease the surplus space for general office use.

APPLICANT

DiMarcantonio Industries Ltd. (S. Dimarcantonio, D. DiMarcantonio, and P. DiMarcantonio), owners.

LOT SIZE AND AREA

The subject property has:

- o 114.22 m (374.41 feet) of lot frontage on Arrowsmith Road;
- o 91.44 m (300 feet) of lot depth; and,
- o 10,444.3 m² (112,425 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	manufacturing plant for rubber footwear	"JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District
<u>Surrounding Lands</u>		
to the north	industrial	"KK" (Restricted Heavy Industrial) District
to the south	vacant	"HH" (Restricted Community Shopping and Commercial) District
to the west	repair garage	"JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District

OFFICIAL PLAN

Designated "INDUSTRIAL" on Schedule "A" - Land Use Concept, the following policy is applicable:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
 - ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

- iii) Uses which have characteristics or functional requirements similar to Industries;
- iv) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

The application is to permit general offices and these cannot be considered incidental to the INDUSTRIAL designation. Therefore, an Official Plan Amendment, to establish a Special Policy Area, is required.

NEIGHBOURHOOD PLAN

There is no neighbourhood plan for the Nashdale Neighbourhood.

COMMENTS RECEIVED

- o The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Local Architectural Conservation Advisory Committee Staff.
- o The Traffic Department has advised that the application is "satisfactory".
- o The Building Department has advised that:

"The Committee should be aware that the owner is talking about office uses only and the "KK" zoning district does not permit any of the uses on the attached list submitted."
- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermain and separate storm and sanitary sewers are available to service the subject development."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to establish a Special Policy Area to permit the general office use.
2. The proposal has merit and can be supported for the following reasons:
 - i) The applicant has advised that changes in the nature of his manufacturing business have lead to reduced space requirements. The applicant wishes to lease the excess space

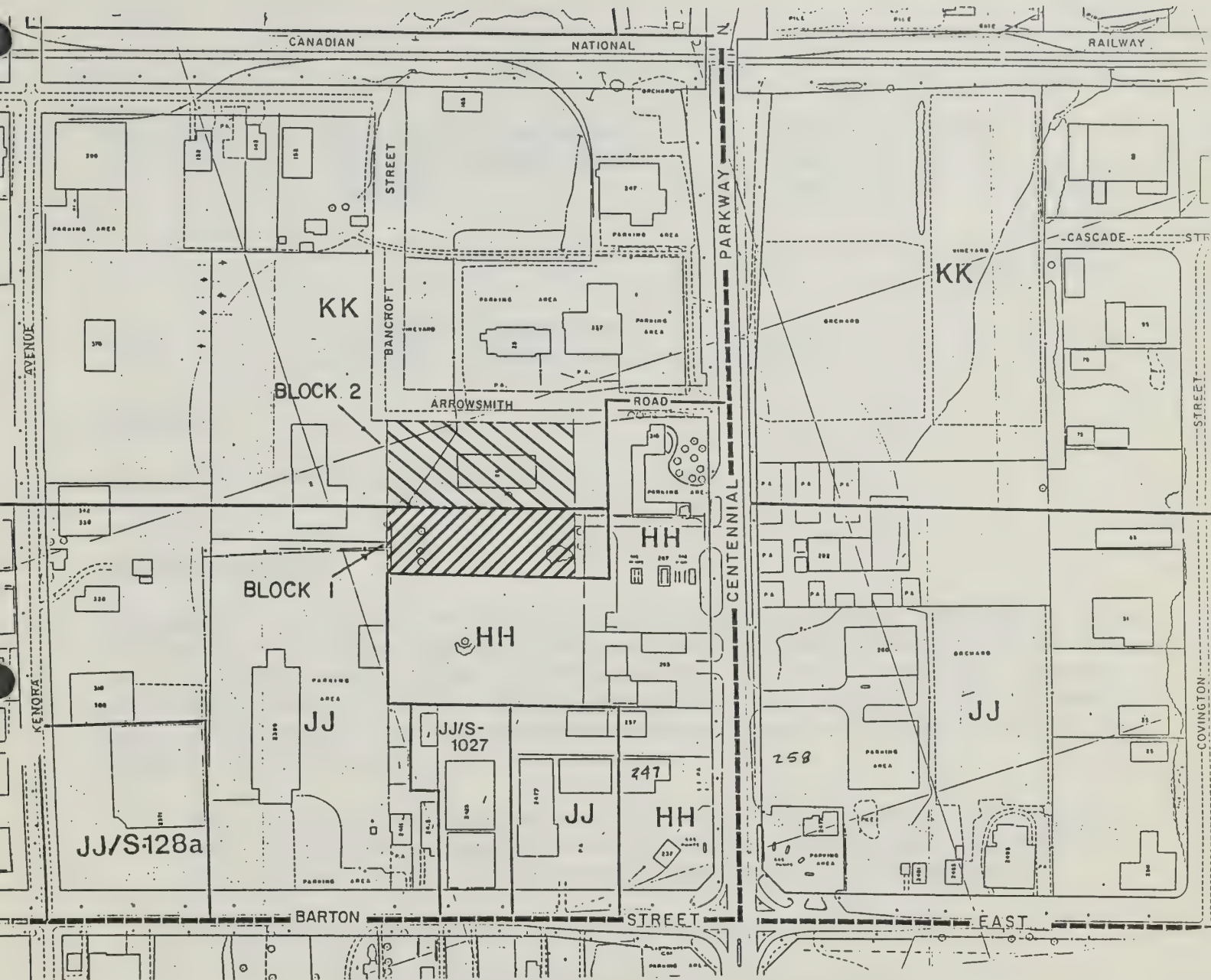
rather than carry the costs of the vacant space. In this regard, the requirements of the zoning districts impose an economic hardship that was not intended;

- ii) the general offices would be located in the surplus space available within the existing building only. Permitting additional uses within the existing building would not jeopardize the industrial nature of the area; and,
- iii) the requested general office use would not interfere with the existing use within the building.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA88119



LEGEND

PROPOSED MODIFICATION TO THE

BLOCK 1



"JJ" (RESTRICTED LIGHT INDUSTRIAL) DISTRICT REGULATIONS.

BLOCK 2



"KK" (RESTRICTED HEAVY INDUSTRIAL) DISTRICT REGULATIONS.



8.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 20, 1990

COMM. FILE:

DEPT. FILE:

ZA-89-18
North End
West
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - No. 469 Bay Street North.

RECOMMENDATION:

That approval be given to amended Zoning Application 89-18, H.M. and A.K. Nyhof, owners, for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, to permit a residential dwelling unit on the upper level and a sail making and repair shop including canvas work and the sale of marine hardware on the lower level within the existing building, for the property located at No. 469 Bay Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 10(1), the following uses shall be permitted:
 - 1. Industrial Use only within the first floor of the existing building
 - i) a sail making and repair shop including canvas work; and,
 - 2. Commercial use only within the first floor of the existing building
 - i) a retail store for the sale of marine hardware.
 - 3. Accessory Use
 - i) one ground sign, wall sign, or projecting sign having an area of not more than 0.4 m² non-illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial and industrial uses.

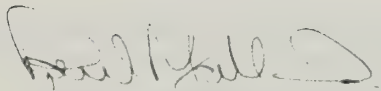
- b) That Section 18A(1)(a) shall not apply for the Class "A" dwelling unit on the second floor.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-2 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-2 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

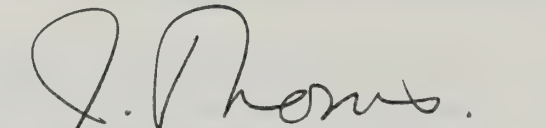
EXPLANATORY NOTE:

The purpose of this By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings. Townhouses, etc.) District regulations, for the property located at No. 469 Bay Street North as shown on the attached map.

The effect of this By-law is to permit a sail making and repair shop including canvas work, and the sale of marine hardware on the lower level within the existing building.

In addition, the by-law permits one wall sign, ground sign or projecting sign not greater than 0.4 m² in area, non-illuminated or illuminated by interior means only and not closer than 1.5 m to the street line.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The owner intends to use the lower level of the existing building for a sail making and repair shop as well as for the sale of marine hardware, and to use the upper level for his residence.

LOT SIZE AND AREA:

- o 13.06 m (42.86 ft.) of lot frontage on Bay Street North;
- o 28.34 m (92.28 ft.) of lot depth; and,
- o 370.12 m² (3,984.1 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	dwelling unit, sail making and repair shop	"D" (Urban Protected Residential - One and Two Family-Dwellings Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north and west	vacant and marina	"F-1" (Water front Recreation) District
to the south and east	single-family dwellings	"D" (Urban Protected Residential - One and Two Family - Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated "OPEN SPACE" on Schedule "A". The following policies apply:

- "A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area-wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- A.2.4.9 In areas designated OPEN SPACE in the vicinity of Hamilton Harbour, Council, where feasible and desirable, will:
- i) Recognize recreation as a significant re-emerging use of the Harbour;

- iii) Establish or acquire the western harbour for predominantly OPEN SPACE and recreation purposes; and,
- iv) Have regard for the provisions of Subsection A.2.5 (Open Water), in addition to the provisions of Special Policy Areas 2, 5 and 10, as set out in Subsection A.2.9."

In addition to the above, the lands designated OPEN SPACE are also located within SPECIAL POLICY AREA 5 on Schedule "B". The following policy also applies to the proposal;

"A.2.9.3.3 The following policies will apply within the area shown on Schedule "B" as SPECIAL POLICY AREA 5:

- i) In addition to the permitted uses for Open Space as set out in Subsection A.2.4, for those lands within SPECIAL POLICY AREA 5, the following water-oriented uses will be permitted and encouraged: marinas; related clubhouses; maintenance, repair and storage facilities; commercial uses such as, but not limited to, seafood restaurants, cafes; selected goods shops or other small-scale commercial uses that serve to architecturally enhance, and encourage public attraction to, the waterfront area;"

Based on the above, the proposal complies with the intent of the Official Plan.

CENTRAL AREA PLAN:

The subject lands are designated "Neighbourhood Residential". The following policies apply:

"4.4.3 Notwithstanding the provisions of Subsection A.2.2, limited conversion of residential structures to commercial use will be permitted, to allow for the preservation of residential attributes and the streetscape of an area. Commercial uses should be limited to professional offices such as, but not limited to, doctors, accountants and lawyers in the existing buildings only. Commercial conversions should be evaluated on the following general basis:

- i) the residential character of the surrounding area should be maintained;
- ii) the conversion should have minimal impact on the surrounding area particularly in terms of traffic and parking;
- iii) the proposal should be located near other commercial, mixed use or high activity area (e.g. arterial roads);

- iv) the building should maintain a residential component; and,
- v) the proposal should not have any significant adverse effect on the supply of affordable housing in the area."

The proposal does not conflict with the intent of the Central Area Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Housing" in the approved North End West Neighbourhood Plan. The proposal does not conflict with the intent of the Plan in that a residential unit will be provided on the upper level.

RESULTS OF CIRCULARIZATION:

- o The following Departments and agencies have no comments or objections:

- Traffic; and,
- Hamilton Region Conservation Authority.

- o LACAC has advised that:

"Heritage Status: designated under the Ontario Heritage Act

Architectural/Historical Significance:

Documents indicate that in 1869 William W. Grant, a sailmaker already in business on Zealand's wharf built a new Sail Loft at 469 Bay Street North. Located on a steeply sloped waterfront site, Grant's Sail Loft presents a one-storey gabled brick front to the street but from the bay, the structure has a tall three-storey facade, the first two stories built of coursed rubble.

Originally incorporated into a shoreline landscape of wharves, boathouses, shipyards and warehouses, the Sail Loft is significant today as the only survivor from the North End's flourishing 19th-century commercial waterfront. As such, 469 Bay Street North provides a tangible link with this notable period in Hamilton's history.

Architecturally, the Sail Loft, is significant as a relatively specialized building type, which determined its size, location, and construction, free of interior supports.

In use as a Sail Loft from 1869-1887, 469 Bay Street North subsequently housed a variety of occupants including a strawgoods company, a machine works and from 1921-1944, it served as headquarters for Hamilton's naval reserve and sea cadets.

Important to the conservation of 469 Bay Street North is the preservation of the original features of the four exterior facades.

Comments

We support a zoning change to permit the lower level of the building to be used for retail sailmaking and repairs. This use is particularly appropriate as the building was originally a sail loft and housed a sailmaking business from 1869 to 1887."

- o The Building Department has advised that:

"The proposed use of sailmaking is an industrial use, which is not permitted under the applicable zoning district provisions.

A single family dwelling requires one parking space located on the lot."

- o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as 12" combined sewers are available to service the subject lands.

The road allowance width of Bay Street is 20.12 m (66 feet). We do not anticipate any further road widenings at this time.

Any works which may occur within the Bay Street North road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan, Central Area Plan and the approved North End West Neighbourhood Plan.
- 2) The proposal has merit and warrants consideration for the following reasons:
 - i) the building, built in 1869, was originally designed for use as a sail loft, as evidenced by the interior layout which is free of supports;
 - ii) it will allow for the preservation of a "designated" building of architectural/historical significance;
 - iii) it is ideally located adjacent to marine facilities and activities; and,

- iv) it implements the intent of the Official Plan which promotes the use of land for marine related facilities.

3) In addition, two variances would be required:

- 1) to permit a wall, ground or projecting sign not greater than 0.4 m² in area, non-illuminated or illuminated by interior means only and located not less than 1.5 m from the street line.
- 2) to exempt the dwelling unit from the provision of one parking space. Given the location of the building on the site, it is not possible to provide the parking space.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPZA8918

1/S-838

LEADER BOAT CLUB

PARKING AREA

LEANDER DRIVE

WOOD STREET

BURLINGTON STREET

MACAULEY STREET

PICTON STREET

NORTH STREET

MACNAB STREET

SWIMMING POOL

F-1

D

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APPENDIX A

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 25, 1990

COMM. FILE:

DEPT. FILE: ZA-90-14

Crerar

Neighbourhood

FROM:

J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning and for a modification in zoning - properties located at Nos. 249 Stone Church Road East and 1415 Upper Wellington Street.

RECOMMENDATION

- A. That approval be given to Zoning Application 90-14, Mount Hamilton Christian Homes Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District modified (Block "1") and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), to permit the construction of a 3 storey, 11 unit addition to the existing senior citizen's residence, and to permit the existing two-family dwelling and provide for 17 additional parking spaces, for properties located at Nos. 249 Stone Church Road East and 1415 Upper Wellington Street as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District;
 - ii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593 applicable to the lands described as Blocks "1" and "2" be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 10A(1) of By-law No. 6593, a two-family dwelling shall be permitted within the building existing at the date of passing of this by-law, municipally known as No. 249 Stone Church Road East;
 - b) That notwithstanding Section 10A(3)(iii) of By-law No. 6593, a rear yard of a depth of at least 5.0 m shall be provided and maintained for the building addition on Block "1";
 - c) That Section 4(3)(a) of By-law 6593 shall not apply;

- d) That notwithstanding Section 18A, TABLE 1, 1.(g) of By-law No. 6593, a minimum of 73 parking spaces shall be provided and maintained;
 - e) That Section 18A(11) & (12) shall not apply to the most northerly lot line adjoining the parking area;
 - f) That notwithstanding Section 18A(25) of By-law No. 6593, the existing westerly access driveway on Stone Church Road East shall be permitted.
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-913a, and that the subject lands on Zoning District Map E-18C be notated S-913a;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-law 83-165 be repealed.

EXPLANATORY NOTE

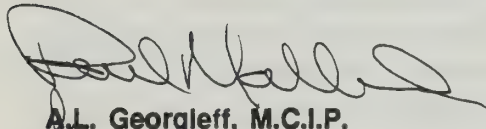
The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District modified (Block "1"), and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), for properties located at Nos. 249 Stone Church Road East and 1415 Upper Wellington Street, as shown on the attached APPENDIX "A".

The effect of the By-law is to permit the construction of a 3 storey, 11 unit addition to the existing senior citizens' residence (Blocks "1" & "2"), and to permit a two-family dwelling in the existing building on Block "1".

In addition, the by-law provides for the following variances as special requirements.

- to permit a minimum rear yard of 5.0 to be provided and maintained for the building addition on Block "1" whereas a minimum rear yard of 7.5 m is required (Section 10A(3)(iii));
- to permit two principal residential buildings on the lot (Section 4(3)(a));
- to require a minimum of 73 parking spaces to be provided and maintained (Section 18A TABLE 1 1.(g));

- to delete the requirement of a 1.5 m wide landscape planting strip along the most northerly lot line adjoining the parking area (Section 18A (11) & (12));
- to permit the existing westerly access driveway on Stone Church Road East. (Section 18A(25)).



A.L. Georpleff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- **Current Proposal**

The purpose of the proposed changes in zoning is to permit the construction of a 3 storey, 11 unit addition to the existing senior citizens' residence. The proposed addition will for the most part be located on the land shown as Block 1, together with additional parking spaces for 17 cars. The existing two-family dwelling located on land shown as Block 1, will remain.

- **By-law 87-137**

On July 30, 1985 City Council passed By-law No. 85-137 which rezoned lands at No. 1411 Upper Wellington Street from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District. The effect of the By-law was to permit a 3 storey multiple dwelling (Senior Citizen's Department Building) with 40 to 50 dwelling units, and a 2 storey residential care facility (i.e. Rest Home) for a maximum of 40 residents, limited to 60 years of age or over. In addition, two residential buildings will be permitted on the same lot.

- **By-law 83-165**

On June 1, 1983 City Council passed By-law 83-165 which rezoned lands at No. 249 Stone Church Road East from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified. The effect of the By-law was to permit the continuance of an existing electronics communications and security installations and contracting business, within the existing principal building and accessory building. In addition, the By-law prohibits outside storage and parking of any vehicles in the front yard, and requires specific landscaped areas and a visual barrier to be provided and maintained at the lot line abutting the landscaped areas.

- Development Applications

DA-87-50

On September 23, 1987 the Planning and Development Committee approved Site Plan Control Application DA-87-50 to permit a 48 unit, two storey complex for senior citizens at No. 1411 Upper Wellington Street. Development consisted of two phases, the first phase consisting of 30 dwelling units, and the second phase consisting of 18 residential care units. A total of 60 parking spaces are to be provided for the development.

DA-87-116

On January 29, 1988 the Planning and Development Committee approved Site Plan Control Application DA-87-116 to amend DA-87-50. The revised site plan provided for a total of 52 dwelling units as opposed to 48 dwelling units, a total of 65 parking spaces as opposed to 60 parking spaces and 6,047.76 m² of landscaped area.

- Committee of Adjustment Applications

On May 26, 1988 the Committee of Adjustment approved Minor Variance Application A-88-113, applicable to property located at No. 1411 Upper Wellington Street for relief from the provisions of the Zoning By-law so as to permit 56 parking spaces on the site instead of the required 65 parking spaces approved as per DA-87-116, and to delete the required visual barrier along the northerly and southerly property lines.

APPLICANT

Mount Hamilton Christian Homes Inc., owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having approximately:

- 30.48 m (100.0 ft.) of lot frontage on Upper Wellington Street;
- a combined lot frontage of 42.062 m (137.99 ft.) on Stone Church Road East; and,
- 1.33 ha (3.28 ac) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>		
Block "1"	two-family dwelling (formerly used as a communications business)	"C" (Urban Protected Residential, etc.) District modified
Block "2"	a 3 storey, 52 unit senior citizens multiple dwelling	"DE" (Low Density Multiple Dwellings) District modified
<u>Surrounding Lands</u>		
to the north	church	"AA" (Agricultural) District
to the south	vacant lands and single-family dwellings	"G-1" (Designed Shopping Centre) District
to the east	vacant lands and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings and vacant lands	"DE-3" (Multiple Dwellings) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and located within SPECIAL POLICY AREA 17 on Schedule 'B' Special Policy Areas.

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this

regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact of adjacent lower density uses.

A.2.9.3.15 Notwithstanding the permitted uses, as set out in Subsection A.2.1 (Residential Uses) for those lands shown on Schedule "B" as SPECIAL POLICY AREA 17, and known municipally as 249 Stone Church Road East, an electronic communications, security installations, and contracting business may be permitted within the existing building. Existing accessory buildings may be permitted for a workshop and storage of parts used in conjunction with the business. All outside storage is prohibited."

The Special Policy Area was introduced by Official Plan Amendment No. 3 (By-law 83-153), in 1983, as a result of a rezoning application. The proposal does not conflict with the intent of Special Policy Area 17. However, since the communications, establishment is no longer in operation, the Official Plan should be amended to remove Special Policy Area 17, to reflect the long term intention for Residential use. This could be done during the next O.P. update, if the application is approved.

"D.2.3 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:

- ii) Ensure the integration of related community facilities, such as Libraries, Secondary Schools, Parks, Churches or Community Centres, as well as multi-family residential development; and,
- iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "INSTITUTIONAL AND SPECIAL HOUSING" on the approved Crerar Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

- "1. This property is also known as 1415 Upper Wellington Street.
2. The lands being dedicated for road widening of the existing development and expansion thereof shall not be included in the total "Lot Area."
3. The existing use of the building known as 249 Stone Church East is not a two-family dwelling.
4. Our records indicate that the existing building is used for a communication business and contracting business which are the permitted uses under By-law 83-165.
5. It is recommended that By-law 83-165 be repealed.
6. Two principal residential buildings on the same lot are not permitted.
7. The three storey proposed addition shall provide a 7.5 m rear yard.
8. A two family dwelling requires two (2) parking spaces and a multiple dwelling containing a total of sixty-three (63) dwelling units require seventy-nine (79) parking spaces and one (1) 3.7 m x 18.0 m x 4.3 m loading space.
9. A visual barrier along the easterly lot line adjacent to the new parking area is required.
10. A 1.5 m wide planting strip along the northerly lot line adjacent to Phase 2 parking area has not been provided.
11. Due to an oversight, the requirements for the westerly access driveway to Stone Church Road East of a minimum 3.0 m distance from the easterly and westerly common boundary line adjoining the residential district has not been provided."

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and municipal storm and sanitary sewers are available to service the property.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 (50 feet) from the centre line of the original Stone Church Road road allowance.

In the absence of any details shown, we advise that any works which may occur within the Stone Church Road road allowance, as widened, must conform to the Regions Road Use By-law.

The Traffic Department should comment on access design."

- The Traffic Department has advised that they "...find it satisfactory provided that the Phase 3 driveway on Stone Church Road East be widened to 7.5 m".
- The Hamilton Region Conservation Authority, Hamilton Wentworth Regional Police Department have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of both the approved Crerar Neighbourhood Plan and the Ryckmans' Multi-Centre Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the Official Plan;
 - it implements the intent of both the Crerar Neighbourhood Plan and the Ryckmans' Multi-Centre Plan which provide for "INSTITUTIONAL and SPECIAL HOUSING";
 - it is a minor expansion of the existing senior citizens residence;
 - because of the aging population, there is a growing demand for this type of accommodation;
 - it provides for the housing of elderly people in affiliation with the Mount Hamilton Christian Reform church located on adjoining lands to the north;
 - it is situated on a public transit route;
 - it is within close proximity to future shopping facilities at the south east corner of Upper Wellington Street and Stone Church Road East;
 - it would be compatible with established development in this area.
4. On the basis of a preliminary site plan submitted with the application, the following variances have been identified by the Building Department.

- Use (Section 10A(1))

The existing use of the building known as No. 249 Stone Church Road East is not a two-family dwelling. The change in use from the permitted electronics communications and security installations and contracting business to that of a two-family dwelling would be more in keeping with existing and proposed development in this area comprising single-family and multiple family dwellings. The requested variance can be supported.

- Two principal residential buildings on one lot (Section 4.(3)(a))

It is proposed to have two principal residential buildings on one lot (a two-family dwelling and a multiple family dwelling). As the existing dwelling located at No. 249 Stone Church Road East has been acquired and will form part of the Mount Hamilton Senior Citizens complex, the requested variance can be supported.

- Rear Yard (Section 10A(3)(iii))

A minimum rear yard of 5.1 m is proposed for the building addition on Block "1" as opposed to a required minimum rear yard of 7.5 m. Taking into consideration the irregular shape of the property and that the new building addition when viewed from Stone Church Road East has the appearance of being a side yard, which in a "DE" District requires a minimum setback of 3.0 m, the requested variance is considered minor in nature and can be supported.

- Parking (Section 18A TABLE 1)

A two-family dwelling requires 2 parking spaces and a multiple family dwelling containing 63 dwelling units requires 79 parking spaces for a total of 81 spaces. A total of 73 parking spaces are to be provided for the development. Taking into consideration that the Committee of Adjustment previously granted a minor variance to reduce the total number of parking spaces for phase one and two of the multiple family dwelling from 65 to 56, and that the applicant is providing 17 additional parking spaces for the 11 unit addition and the two family dwelling (minimum 16 spaces required) the variance can be supported.

- Landscaped planting strip and visual barrier for a parking lot adjoining a residential district (Section 18A(11) & (12))

A 1.5 m wide landscaped planting strip has not been provided along the northerly lot line adjacent to the Phase 2 parking area as required by DA-88-63. Taking into consideration that this parking area adjoins an established parking lot also owned by the Mount Hamilton Christian Reformed Church, the variance can be supported.

A 1.2 m high to 2.0 m high visual barrier is required along the easterly lot line adjacent to the new parking area. As this portion of the parking area adjoins an established single-family dwelling, the variance cannot be supported.

- Location of the access driveway for a multiple-family dwelling adjacent to a residential district which does not permit multiple dwellings (Section 18A(25))

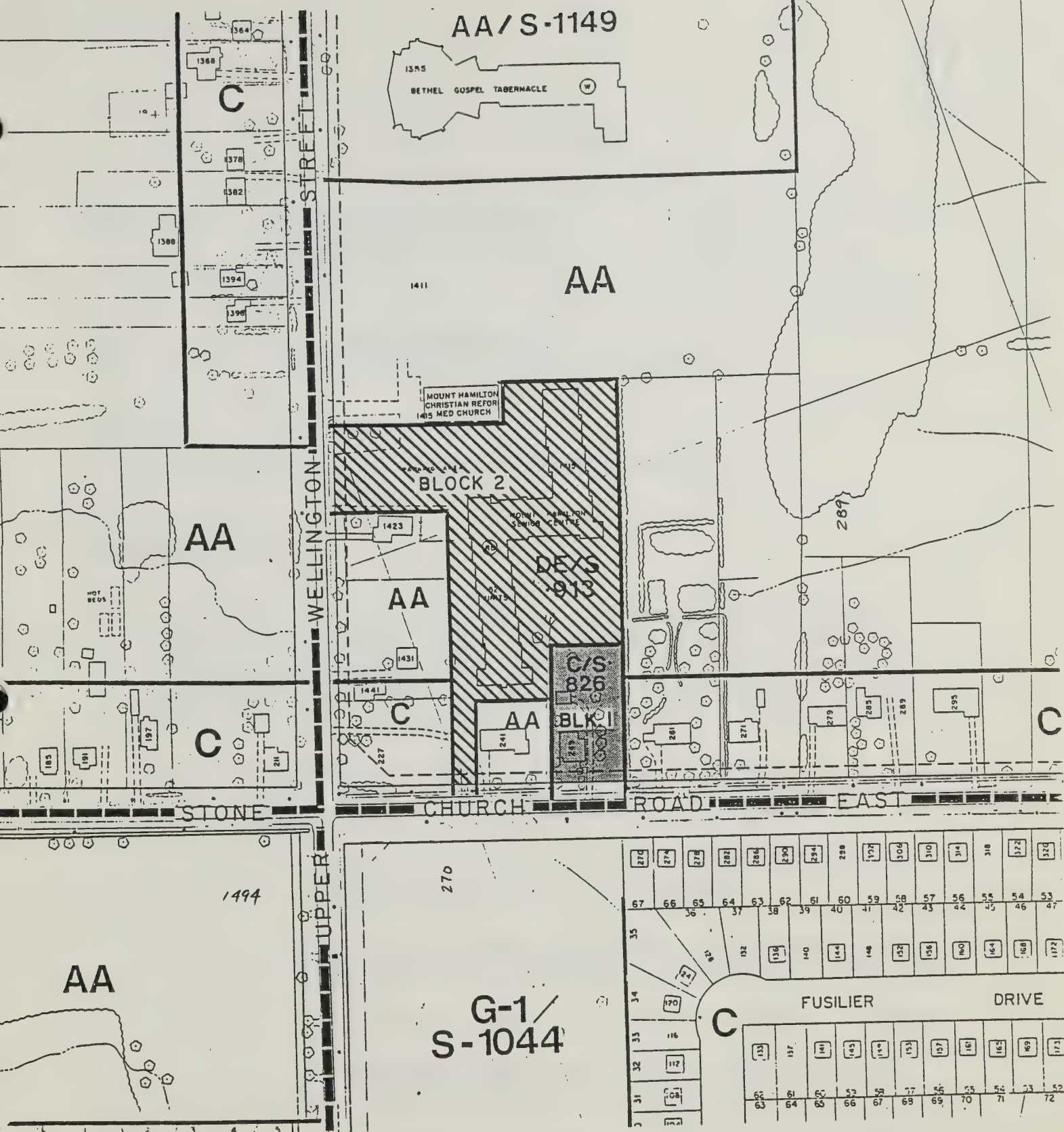
Due to an oversight when considering the previously approved multiple-family development a variance was not provided for the existing access driveway on Stone Church Road East which is situated 0.168 m from the westerly side property line whereas a 3.0 m setback is required where it adjoins a residential district which does not permit multiple-family dwelling (e.g. "C" (Urban Protected Residential, etc.) District. As the driveway is already established and there is insufficient property width to provide for a 7.5 m wide driveway and the required 3.0 m driveway setback on either side of the existing driveway from the adjoining "C" District, the requested variance can be supported.

5. As the electronics communications and security installations and contracting business has vacated the premises at No. 249 Stone Church Road East, it would be appropriate to repeal By-law No. 83-165.
6. Development of the lands within the "DE" (Low Density Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275, as amended by by-law No. 87-223. Concerns such as access, landscaping, grading, parking, etc., will be reviewed at the site plan approval stage of development.

CONCLUSION



On the basis of the foregoing, the application can be supported.

GW/ma
WPZA9014



LEGEND

LANDS FOR WHICH THE FOLLOWING CHANGES ARE PROPOSED:

- BLOCK 1**  CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED TO "DE" (MULTIPLE DWELLINGS) DISTRICT, MODIFIED.
- BLOCK 2**  FURTHER MODIFICATION TO THE "DE" (MULTIPLE DWELLINGS) DISTRICT.



10.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE April 24, 1990

COMM FILE

DEPT FILE ZA-89-76

Corktown

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - Nos. 206-210 Jackson Street East.

RECOMMENDATIONS:

1. That approval be given to an amended Zoning Application 89-76, First Place Hamilton, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District, to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizen apartment building, for the property located at Nos. 206-210 Jackson Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 11.(1), a senior citizens multiple dwelling containing a maximum of 29 units shall be permitted;
 - b) For purposes of this by-law, a senior citizens multiple dwelling means a multiple dwelling in which all residents are at least 60 years of age or older;
 - c) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 1.99.
 - d) That notwithstanding Section 18A.(1), Table 1, a minimum of 0.3 parking space for each Class "A" dwelling unit shall be required.
 - e) That notwithstanding Sections 18A.(1)(a) and (b), and 18A.(9), the required parking spaces shall be permitted to be located off-site on the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.

- f) That sections 18A.(11) and (12) shall not apply to the loading space.
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - v) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "High Density Apartments".
2. That the amending by-law not be passed by City Council until:
- a) the site plan has been approved by the Planning and Development Committee;
 - b) the applicant places a restrictive covenant on title to the satisfaction of the City Solicitors Department respecting the shared parking arrangement; and,
 - c) the property be placed under the same ownership as the property located at the northeast corner of Jackson Street East and Ferguson Avenue South to the satisfaction to the City Solicitors Department.

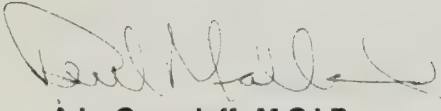
EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs. etc.) District for the property located at No. 206-210 Jackson Street East, as shown on the attached map.

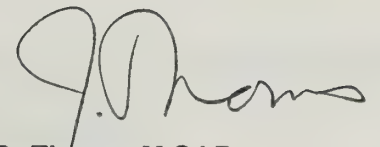
The effect of the by-law is to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizens apartment building.

In addition, the by-law provides for the following variances:

- o to permit a maximum floor area ratio of 1.99 instead of the by-law requirement of 1.7;
- o to permit a minimum of 9 parking spaces instead of the required 24 spaces;
- o to allow the required parking spaces to be located on the lands located at the northeast corner of Jackson Street East and Ferguson Avenue South; and,
- o to exempt the required loading space from the setback and landscaping requirements.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant intends to construct a six storey, non-profit senior citizen apartment building. There will be 29 units - one, 3 bedroom; ten, 2 bedrooms; and eighteen, 1 bedroom.

The applicant requires 24 parking spaces for the development. The applicant proposes a shared parking arrangement which would allow the required parking spaces to be located on the site of the proposed development at the north-east corner of Jackson Street and Ferguson Avenue - (ZA-87-130). Both properties will be held under the same title.

In addition, the applicant is requesting variances to the floor area ratio (F.A.R.), yard requirements, parking and loading space. In a letter justifying the variances (see APPENDIX "B"), the applicant has indicated that the F.A.R. is greater than what is permitted because storage facilities are located within the units as opposed to in the basement, and there will be a mix of apartment types.

APPLICANT:

First Place Hamilton, owner.

LOT SIZE AND AREA:

- o 28.034 m (91.98 ft) of lot frontage on Jackson Street East;
- o 40.01 m (131.27 ft) of lot depth; and,
- o 1,134 m² (12,206.7 sq ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant parcel	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>Surrounding Lands</u>		
to the north	townhouses	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south and east	single and two- family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	auto body shop	"J" (Light and Limited Heavy Industry, etc.) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A". A wide range of uses are permitted within the Central Policy Area including residential, institutional, etc.

In addition, the subject lands are located within "SPECIAL POLICY AREA 3" on Schedule "B". The following policies apply, among others:

- "2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
 - ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged."

Based on the above, the proposal does not conflict with the intent of the Official Plan.

CENTRAL AREA PLAN:

The subject lands are designated "Neighbourhood Residential" in the Central Area Plan. The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the Corktown Neighbourhood Plan. Due to the density of the development, it would be considered as "High Density Apartments". Accordingly, a redesignation from "Medium Density Apartments" to "High Density Apartments" is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- o The following Department and agency have no comments or objections:

- Hamilton Region Conservation Authority; and,
- Regional Police.

- o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as a separate sanitary sewers and storm sewers are available to service the proposed development.

The designated minimum road allowance width of Jackson Streets is 15.24 m (50 feet). In accordance with this designation, we recommend as a condition of development approval, a strip of land 1.52 m (5 feet) in width be dedicated to the City of Hamilton for road widening purposes.

Any works which may occur within the Jackson Street road allowance, as widened, must conform to the City of Hamilton Streets By-law.

The Traffic Department is to comment on access design, loading, manoeuvring on site, etc. We advise at this time that daylight visibility triangles are required adjacent to the accesses and more detailed comments on grading, sight triangles, landscaping, etc. will be submitted under Site Plan Control. It is unclear what the applicant intends to construct at the north east corner of this lot and more details will be required at the site plan stage."

- o The Building Department has advised that:

- "(1) gross floor area 1,927 m², gross floor area proposed 2,246 m²,
- (2) required front yard 7.73 m, actual 5.8 m, side yard (east) required is 3.3 m, actual 1.5 m,
- (3) parking has not been provided on the lot."

- o The Traffic Department has advised that:

"Hong Lok does not have on-site parking. All of the parking for the two buildings is located at Central Place. We agree to allow this if it can be guaranteed that the combined required parking will be provided in perpetuity."

COMMENTS:

- 1) The proposal implements the intent of the Official Plan which encourages housing in the downtown particularly for the physically disabled and seniors. In this regard, the development proposes 29 units for seniors.
- 2) The proposed complies with the intent of the Central Area Plan.
- 3) The proposal does not comply with the approved Corktown Neighbourhood Plan. A redesignation from "Medium Density Apartments" to "High Density Apartments" would be required to permit the proposal.
- 4) The proposed development merits consideration for the following reasons:
 - a) its location on the periphery of the downtown core is beneficial in that it is close to public transit, shopping areas, cultural facilities, medical offices, etc.;
 - b) it would increase both the supply of affordable housing as well as housing for a special needs group - seniors;
 - c) it would implement the intent of the Official Plan and the Central Area Plan which is to provide suitable accommodation for a variety of tenure and income levels.

5) Approval of the application would require the following variances:

o Density

Based on the preliminary site plan, the proposed senior's apartment building will have a gross floor area of 2,246 m² whereas 1927 m² is permitted. In this regard, the floor area ratio (F.A.R.) would be 1.99 and the maximum permitted under the "E" district regulations is 1.7.

The applicant has indicated that increased density is required because storage is contained within the units instead of in the basement. On the basis of the preliminary site plan, the total storage space within the units is 14.2 m² and 53.6 m² of amenity space (meeting rooms) within the building which represents a 0.06 increase in F.A.R.

Due to the nature of the building design, it would be appropriate to increase the floor area ratio by 0.06 for that portion of the building used for the amenity space and the storage areas within the dwelling. The Department is not opposed to this increase because if the storage area is contained in the cellar then it would not be reflected in the F.A.R.. In addition, the amenity space (meeting rooms) is a special feature in the design of the building.

Furthermore, since the development will increase the supply of affordable units for seniors, the building meets all the yard requirements and parking is provided on the adjacent site, the increased density can be supported.

o Parking and Loading

The development requires 24 parking spaces (0.8 spaces x 29 units). However, since the development is for a senior citizens building and is located in close proximity to the downtown core, it is appropriate to reduce the parking standard to 0.3 spaces per unit. This standard has been applied to a number of other similar type developments in Hamilton and is supported by the Traffic Department.

A second consideration given to this development is to allow the applicant to provide the required parking (min 9. spaces) on the property located at the north-east corner of Jackson Street East and Ferguson Street South. Both properties are to be held under the same title. Although, the various departments (Building, Traffic and Planning and Development) do not condone the practice of off-site/shared parking, this arrangement merits consideration since:

- a) the properties will be held under the same title and restrictive covenants will be placed on the lands to ensure that the shared parking arrangement is maintained;
- b) the nature of the proposed uses is such that the two buildings will function together in that they will share other facilities such as the community centre;
- c) it can be used as a pilot project to determine if shared off-site parking arrangements warrant further consideration for other similar situations.

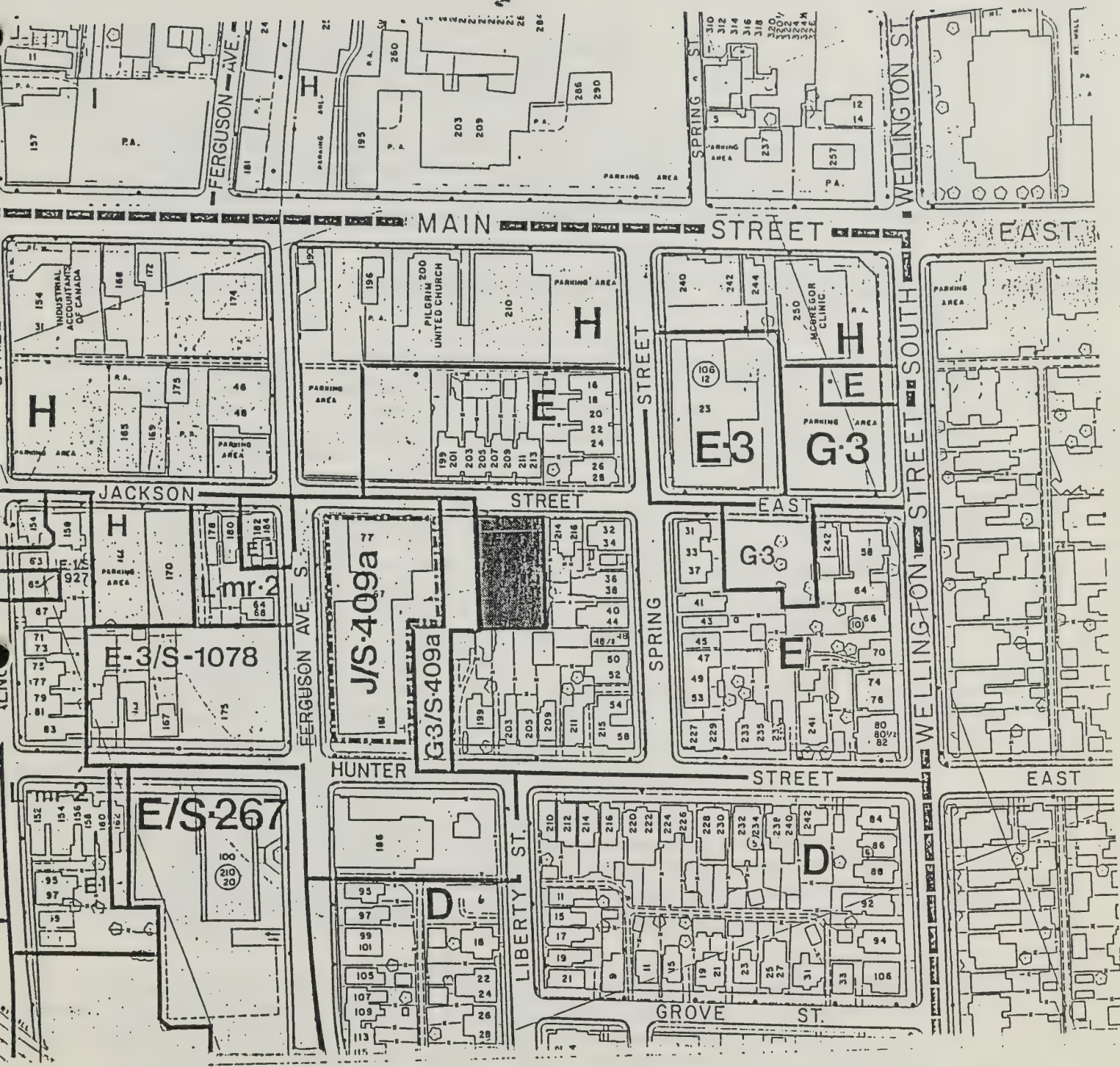
The development requires one large loading space. The preliminary site plan has a lay-by at the front of the building which can accommodate a small loading space as well as a drop off for persons leaving and entering the building. The Traffic Department has advised that this arrangement is satisfactory.

- 6) Under the "E" District regulations, the lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-233. Matters such as grading, landscaping, access etc. will be dealt with during the site plan approval process. Given the nature of the proposed arrangements, it would be appropriate to hold the by-law in abeyance until the Site Plan has been approved by the Planning and Development Committee.
- 7) If the applicant enters into a shared parking arrangement, then restrictive covenants must be placed on title of the two properties and the two properties are to be held under the same title. To ensure that the shared parking arrangement is functional, it is appropriate to hold the amending by-law in abeyance until there is proof that these requirements have been completed.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

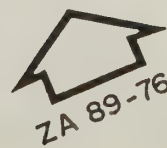
JHE/ma
ZA8976



Legend



Site of the Application



HONG LOK (**)/ CENTRAL PLACE

The Hong Lok/ Central Place project is a family-oriented church-sponsored project of First-Pilgrim United Church, and the congregation's housing corporation:-First Place, Hamilton. It is proposed for a downtown location in Corktown neighbourhood, in the area of Ferguson S. & Jackson streets.

The project consists of two buildings on two sites with a total of 93 (57 +36) units.

The Hong Lok portion (whose units and amenity area will be utilized by the Chinese community) will be located on the south side of Jackson Street between Ferguson and Spring streets. Central Place will be located on the south west corner of Ferguson S and Jackson streets (on a site that is now the parking lot of First-Pilgrim Church).

General:

The project is in accord with significant planning and housing priorities:-

- i - Central Area Plan:
 - "Residential development for all levels of income"
(Official Plan Amendment A.2.9.1.ii)
 - "Residential development will be actively encouraged...."
(Official Plan Amendment A.2.9.7)
 - "A strong residential component close to the downtown is essential to:
 - . maintain and enhance the downtown's economic and service functions
 - . reduce dependency on commuting and transportation facilities"
 (Goals of the Central Area Plan 4.4)
 - "Within areas designated Neighbourhood Residential, a variety of housing types and tenures for all levels of income will be encouraged. Special emphasis will be given to suitable accomodation for families, the disabled, seniors and others in need." (C.A.P.4.4.4)
- ii - High Density Study - recommendations endorsed by Hamilton City Council, July 26, 1988 - especially those recommendations concerning site-specific use of planning incentives, setback requirements, etc. (e.g. recommendations 6,10 a, and 18)
- iii - Housing Intensification Study - currently underway in the Regional Municipality in response to initiatives and policy priorities of the Government of Ontario . The Draft Background Report for the Study notes (section 3.3, p.15): "In March of 1988, an assisted housing survey undertaken by the Planning and Development Department for the Municipal Housing Statement Update, estimated that at least 5,041 rental households were in need of affordable housing".
- iv - Government of Ontario - in its published housing statements, and in initiatives undertaken to encourage churches and other community agencies and institutions to use church (agency)-owned land for housing projects, especially in core city areas

Note: - (**) - Hong Lok - is a transliteration of Chinese characters: "well-being & happiness"

Zoning:

Although these buildings are designed to fit into the basic requirements of E2 zoning, they require the following variances:

Gross floor area increase

Parking reduction for the Hong Lok building
(and related parking 'grouping' on Central Place site)

Side and Front Yard Reductions

These matters are dealt with in the following sections.

Gross Floor Area:

The proposed increase in gross floor area for the project arises from the necessity of creating family housing in the core area of the city - rather than seeing most of it located at the fringes of the urban region. This need is a theme of all the studies and policy processes referred to above (page 1). It has been articulated also by several Aldermen of the City of Hamilton who are concerned and frustrated by the fact that all of the 'affordable housing' developments are now being built along Limeridge Road and south.

There is a need for housing in the downtown area that is affordable for families, especially where employed heads of families are often working in low paying jobs in service industries. Such persons need decent and affordable housing that is near their workplace(s).

Moreover, as studies earlier referred to point out, the provision of family (affordable) housing in the city core is cost-effective in relation to services. Much of the municipal infrastructure (i.e. schools, sewers, water, roads, sidewalk, etc) are in place, and do not require the magnitude of expenditures necessary to service suburban and 'urban fringe' sites.

To date, it has been impossible to build affordable subsidized family housing in the core of Hamilton because of the restrictions of density relative to land costs, and a built-in bias (in the zoning regulations) to smaller, private, higher-cost, non-family accommodation.

The additional gross floor area is required for the following purposes:

- i - added amenity space - e.g. children's/family community centre in Central Place. (Note that this is in accord with the goals and objectives of the Central Area Plan in relation to the provision of community services - i.e. close to persons to be served and close to the streets);
- ii - added storage facilities in each housing unit. If these areas were to be placed in the basement, they would not be counted as GFA. It is appropriate to make such provision in the units.
- iii - family housing units (i.e. a mix of 1,2, and 3 bedroom units) as opposed to exclusively bachelor and one bedroom units). Units for the disabled are also to be provided.

3...

These two buildings are to be built under the provisions of the Ontario non-profit housing program. Under this program, the Province allocates a number of units to the sponsor group, and in so doing, dictates a Maximum Unit Price for each apartment type. This MUP then goes to pay for all costs of the project - including land, underground parking, interim financing and all hard/soft costs of construction.

Both land and parking costs are related to the number of units that can be built on a given site. Because urban core sites are more expensive, the non profit sponsor of a project must increase the number of units on a site to bring all cost elements within the MUP framework.

The sponsor of this project believes that the buildings as proposed fit within the MUP requirements, but in a way that is supportive of the streetscape and that accords with good standards of design. It is believed that the proposed development fits precisely with the intent of the policies and studies referred to on page 1, and also with the concerns currently being addressed by the Regional Chairman's Task Force on Housing.

Parking:

Although the parking for the Hong Lok building site has been reduced, the parking for the complex as a whole actually exceeds the municipal requirement of .8. spaces per apartment.

It is noted that the two buildings are part of one project under the same ownership (i.e. First Place, Hamilton). The Presbytery of Hamilton of The United Church of Canada has given the First-Pilgrim congregation the necessary permission to transfer title of the present church parking lot site to First Place, to effect the single ownership of both sites and buildings.

It is noted also that the proposed parking arrangement accords with the concept of the High Density study for flexible approaches to meeting parking requirements of core city housing projects, with the further effort to provide additional parking spaces that could be made available to commercial and other users.

Thus the variance is being sought to reduce the parking on the Hong Lok site and increase the provision on the Central Place site.

Setbacks:

Again setbacks and their reduction have to do with the urban quality of these spaces and the hope that usable green space can be developed on the site other than just front or rear yards. Once again, this is directly in accord with the objectives of the Central Area Plan, and the provision of varied and effective neighbourhood streetscapes.

The project also deliberately reflects the roof shapes, porches, brick colour and general "presence" of the buildings in the area - so that the proposed new buildings will "fit" the streetscape in a positive way. To achieve this, a reduction in side yards and front yards is required.

4...

With respect to such matters, the sponsors are strongly of the view that a proper sense of "context" for such buildings requires a 'three-dimensional approach' to planning...i.e. the buildings within their 'enclose' of space and streetscape.

It has been said of our cities:

"We've got to stop expanding urban geographical boundaries and, instead, increase density within the existing area. This would diminish our dependence on cars and maximize public transport and other utilities. The paradox of suburban sprawl is that it substitutes roads and shopping malls for community".

The Hong Lok/Central Place project is a modest, site-specific, street-sensitive development of a type that deserves encouragement and support (whether it has private or non profit sponsorship). For it attempts to address the need for affordable housing in the core city in ways that link positively with other goals and objectives of sound urban policy.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 24, 1989

COMM FILE

DEPT FILE ZA-87-130

Corktown

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change and modification in zoning - Northeast Corner of Jackson Street East and Ferguson Avenue South.

RECOMMENDATION:

1. That approval be given to an amended Zoning Application 87-130, First Place Hamilton, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit the construction of a seven storey, 50 unit non-profit apartment building containing a day nursery for a maximum of 48 children on the ground floor, for the property located at the northeast corner of Jackson Street East and Ferguson Avenue South, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
 - ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 - a) A multiple dwelling containing a maximum of 50 units shall be permitted.
 - b) That notwithstanding Section 11.(1), a day nursery for not more than 48 children shall be permitted in conjunction with the multiple dwelling.
 - c) That notwithstanding Section 11.(3)(i)(b), a front yard depth of at least 6.5 m shall be provided and maintained.
 - d) That notwithstanding Section 11.(3)(ii)(b), a westerly side yard of width of at least 0.8 m shall be provided and maintained.
 - e) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 2.34.

- f) That notwithstanding Section 18A.(1)(a), a minimum of 67 parking spaces shall be provided and maintained.
 - g) That notwithstanding Section 18A(7), a raised curb (wheelstop) shall be permitted.
 - h) That Sections 18A(11) and (12) shall not apply to the loading space.
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
 - vi) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to "High Density Apartments."
2. That the amending by-law not be passed by City Council until:
- a) the site plan has been approved by the Planning and Development Committee;
 - b) the applicant place a restrictive covenant on title to the satisfaction of the City Solicitors Department respecting the shared parking arrangement;
 - c) the property be placed under the same ownership as the property located at Nos. 206-210 Jackson Street East to the satisfaction of the City Solicitors Department; and,
 - d) the applicant place a warning clause on title as per CN's letter to the satisfaction of the City Solicitors Department.

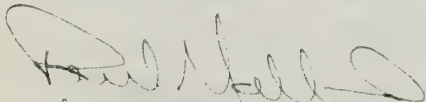
EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs), modified District (Block "1") and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2") for the property located at the north-east corner of Jackson Street East and Ferguson Avenue South, as shown on the attached map.

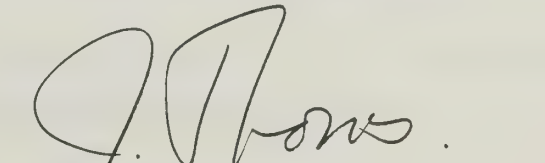
The effect of the by-law is to permit the development of the subject lands for a 7 storey, 50 unit non-profit multiple dwelling containing a day nursery for a maximum of 48 children on the ground floor.

In addition, the by-law will provide for the following variances:

- o to permit a day nursery having a maximum of 48 children within the apartment building whereas only 25 children would be permitted;
- o to permit a maximum floor area ratio of 2.34 whereas the by-law permits 1.7;
- o to permit a minimum westerly side yard of 0.8 m whereas the Zoning By-law requires 4.36 m;
- o to permit a minimum front yard of 6.5 m whereas the Zoning By-law requires 11.84 m;
- o to require a minimum of 67 parking spaces on-site whereas 48 are required;
- o to permit raised curbs within the parking space; and,
- o to exempt the loading space from setback, landscaping and buffering requirements.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant wishes to construct a seven storey, 50 unit non-profit apartment building with 31 units for the handicapped (fifteen 2 bedroom and sixteen 1-bedroom) and 19 units (thirteen, 2 bedrooms; five, 1 bedroom; and one bachelor unit). A day nursery for 48 children will be located on the ground floor.

Sixty seven (67) parking spaces will be accommodated on-site which includes parking for the proposed multiple dwelling/day nursery, and the senior citizen's apartment building at Nos. 206-210 Jackson Street East.

In addition, the applicant is requesting variances to the gross floor area (gfa), yard requirements and loading spaces. In a letter justifying the variances (see APPENDIX "B"), the applicant has indicated that the gfa is greater than what is permitted because: storage facilities are located within the units as opposed to in the basement; there will be a mix of apartment types, a day care centre and amenity space (meeting rooms).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant parcel, parking area	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District "H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	church	"H" (Community Shopping and Commercial, etc.) District
to the south	auto body shop	"J" (Light and Limited Heavy Industry, etc.) District "G-3" (Public Parking Lot) District
to the east	townhouses	"E" (Multiple Dwellings, Lodges, Clubs etc.) District
to the west	parking lot	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A". A wide range of uses are permitted within the Central Policy Area including residential, institutional, etc.

In addition, the subject lands are located within "SPECIAL POLICY AREA 3" on Schedule "B". The following policies apply, among others:

- "2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
 - ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;"

Based on the above, the proposal complies with the intent of the Official Plan.

CENTRAL AREA PLAN:

The subject lands are designated "Neighbourhood Residential" in the Central Area Plan. The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments" in the Corktown Neighbourhood Plan. Due to the density of development, the apartment building would be considered as high density. In this regard a redesignation from "Commercial and Apartments" to "High Density Apartments" is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- o The following Department and agencies have no comments or objections:
 - Hamilton Region Conservation Authority; and,
 - Regional Police.

- o The Hamilton-Wentworth Engineering Department has advised that:

"public watermains as well as sanitary and storm sewers are available to service the subject lands.

As a condition of development approval, we recommend that:

1. A strip of land 5.182 m (17 feet) in width be dedicated to the City of Hamilton along the entire frontage on Ferguson Avenue.
2. A strip of land 1.524 m (5.0 feet) in width be dedicated to the City of Hamilton along the entire frontage on Jackson Street.
3. A 5.791 m (19.0 feet) radius daylighting, taken from the widened limits of Jackson Street and Ferguson Avenue, be dedicated to the City of Hamilton.

All of these widenings are required for road allowance widening purposes. In the absence of any details shown, any works which may occur within the adjacent road allowances, as widened, must conform to the City of Hamilton Streets By-law.

Comments from the Traffic Department with respect to access, loading, etc. should be considered. We advise that the ramp for the underground garage from the widened street line on Jackson Street to a point 7.5 m northerly should not exceed 5%. The Traffic Department should be contacted for grades of driveway ramp and transition in grade changes for ramps which extend beyond 7.5 m.

In the absence of any details shown, the wing walls of the access are not to encroach into the road allowance, as widened, and that only sod be placed in the 5m x 5m daylight vision triangles between the access and the property line since motorists are on an up-grade coming out of the underground parking garage.

All other objects, vegetation, etc. within the 5 m x 5 m vision triangles between access and the widened street lines should not exceed a height of 0.60 m above the centreline elevation of the adjacent streets.

More detailed comments on grading and landscaping will be submitted at the site plan stage with respect to the daylight radius provided, the alley, the lay-by on private property, etc.

According to our records the alley to the rear of the subject lands is public unassumed."

- o The Building Department has advised that:

- "(1) gross floor area 3,070 m², gross floor area proposed 4,198 m²,
- (2) required front yard 11.84 m, actual 6.5 m, required west side yard 4.36 m, actual .8 m (the height is taken from the top of the roof),
- (3) parking is not a problem for this building,
- (4) lack of a large loading space,
- (5) the parking spaces on the grade are to be 6.0 m long on the same level, shown is 5.0 m with a raised portion which is not acceptable,
- (6) no part of the underground garage can project above the existing normal abutting grades or curb level."

- o The Ministry of the Environment has advised that:

"This office has reviewed the above proposal and note our noise/vibration concerns are being addressed by means of a study."

- o C.N. has advised that:

"The proposed development being adjacent to the Ferguson Avenue Spur, a Principal Branch Line, should endeavour to address our standards for noise, vibration and safety, as attached.

As previously advised, in view of our daily passersby to interchange traffic with T.H.&B., as a minimum we request that railway generated noise and vibration be mitigated and that the attached warning clause be imposed.

WARNING CLAUSE

The Owners shall insert in all offers of sale and purchase or lease and register on title to the land, the following clause;

"All persons intending to acquire an interest in the real property by purchase or lease, are advised of the existence of the right-of-way of the Canadian National Railway. In future, it is possible that such rail facilities and operations may be altered or expanded, which expansion or alteration may affect the living environment of residents, despite the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units and that the Canadian

National Railway will not be responsible for complaints or claims arising from its use of its facilities and/or arising from its operations."

- o The Traffic Department has advised that:

"There are no visitor parking spaces shown for the building. The Zoning By-law requires there to be 8 visitor parking spaces for Central Place."

COMMENTS:

- 1) The proposal implements the intent of the Official Plan which encourages housing close to the downtown particularly for groups such as the physically disabled. In this regard, the proposal includes 31 units for the handicapped and 19 other rent-geared to income units.
- 2) The proposal complies with the intent of the Central Area Plan.
- 3) The proposal does not comply with the approved Corktown Neighbourhood Plan. A redesignation from "Commercial and Apartments" to "High Density Apartments" is required to permit the proposal.
- 4) The use of the subject lands for a 7 storey, 50 unit non-profit apartment building containing a day care/family centre on the ground floor merits consideration for the following reasons:
 - a) it is appropriate in this location given its close proximity to the downtown, public transit routes, medical and cultural facilities, personal services, etc.;
 - b) it will result in an increase the supply of day care spaces, and the number of affordable rental units for different segments of the population (ie. handicapped) which are in short supply; and,
 - c) it would implement the intent of the Official Plan and Central Area Plan which is to provide suitable accommodation for a variety of tenure and income levels.
- 5) Approval of the application would require the following variances:

- o Density (Section 11(5))

On the basis of preliminary site plan, the proposed day nursery/family centre apartment building will have a gross floor area of 4,198 m² whereas 3,057 m² is permitted. In addition, the floor area ratio (F.A.R.) would be 2.34 and the maximum under the "E" district regulations is 1.7.

The applicant has indicated that increased density is required because storage is contained within the units instead of in the basement; the building contains handicapped units which require additional widths for halls, etc; and the day care centre is included as part of the building. Based on the preliminary site plan, the total storage space within the units is 82.8 m², the daycare/family centre of 317 m² and the additional floor area for the handicapped units is 200 m² which represents increase in F.A.R. of 0.33 (600 m²).

The applicant has requested an additional 0.31 F.A.R. increase (541 m²) to accommodate the development which brings the total F.A.R. to 2.34.

The variance requested can be supported since the building will include special design features - handicapped units, storage within the units, day care centre, etc.. Furthermore, if the storage space for each unit was confined in the basement of the building then it would not be included the F.A.R. calculation. In addition, the project is desirable for the community as a whole. Based on the above, the variance to increase the F.A.R can be supported.

o Yard Requirements (Section 11(3))

Under the "E" District regulations, the front yard requirement is 11.84 m whereas the apartment building will have a front yard of 6.5 m. In addition, a westerly side yard of 4.36 m is required whereas the applicant proposes 0.8 m.

The building is situated more towards the front of the lot to allow for adequate outdoor play space for the day care centre as well allow the provision of a portion of the handicapped parking spaces at grade. Accordingly, the variance for the front yard requirement can be supported

The variance to the westerly side yard can be supported because the reduction will not have an impact on adjacent uses given that the side yard abuts Ferguson Street and there is a parking lot on the west side of Ferguson Street. In addition, the siting of the proposed building will not be out of character with the surrounding buildings in that the building to the north has a minimal westerly side yard. Further, the site lines for the corner of Jackson and Ferguson Streets will be maintained. In addition, the yard areas have been reduced due to widening requirements.

o Parking and Loading Requirements (Section 18A)

The development requires 48 parking spaces (8 for the daycare, 40 for the apartment units) whereas 67 are proposed; nine of the remaining 19 parking spaces are to be used for the required parking for the property located at Nos 206-210 Jackson Street East (ZA-89-76). As well, the development requires one large loading space.

As indicated, the applicant wishes to have the required parking spaces from the development at Nos. 206-210 Jackson Street East accommodated on the subject lands. Both properties will be held under the same title. Although, the various departments (Building, Traffic and Planning and Development) do not condone the practice of shared parking, this arrangement merits consideration since:

- a) the properties will be held under the same title and restrictive covenants will be placed on the lands to ensure that the shared parking arrangement is maintained;
- b) the nature of the proposed uses is such that the two buildings will function together in that they will share other facilities such as the community centre;
- c) it can be used as a pilot project to determine if it is feasible and justifiable from both a traffic and land use standpoint, to allow such shared parking facilities in other areas of the City.

In terms of the loading space, the applicant has not provided a loading space according to By-law requirements; however, he has provided a drop off/loading zone (lay-by) and the front of the building which could accommodate a transport truck. In addition, this drop off zone can be used by persons dropping off children for the daycare centre. The Traffic Department supports this arrangement and, therefore, the variance to permit the loading space in the front yard can be supported.

CMHC requires that raised curbs wheelstops be provided for the parking spaces at grade. Accordingly, the parking spaces are no longer "free and unobstructed". This variance can be supported as it is a CMHC requirement.

o Number of Children in Daycare (Section 11(1))

The By-law restricts the number of children in a day care centre to 25. However, a recent Council adopted policy eliminates this restriction for day care centres within higher multiple dwelling districts (i.e. "E" , "E-1", etc.). Accordingly, 48 children is consistent with Council policy.

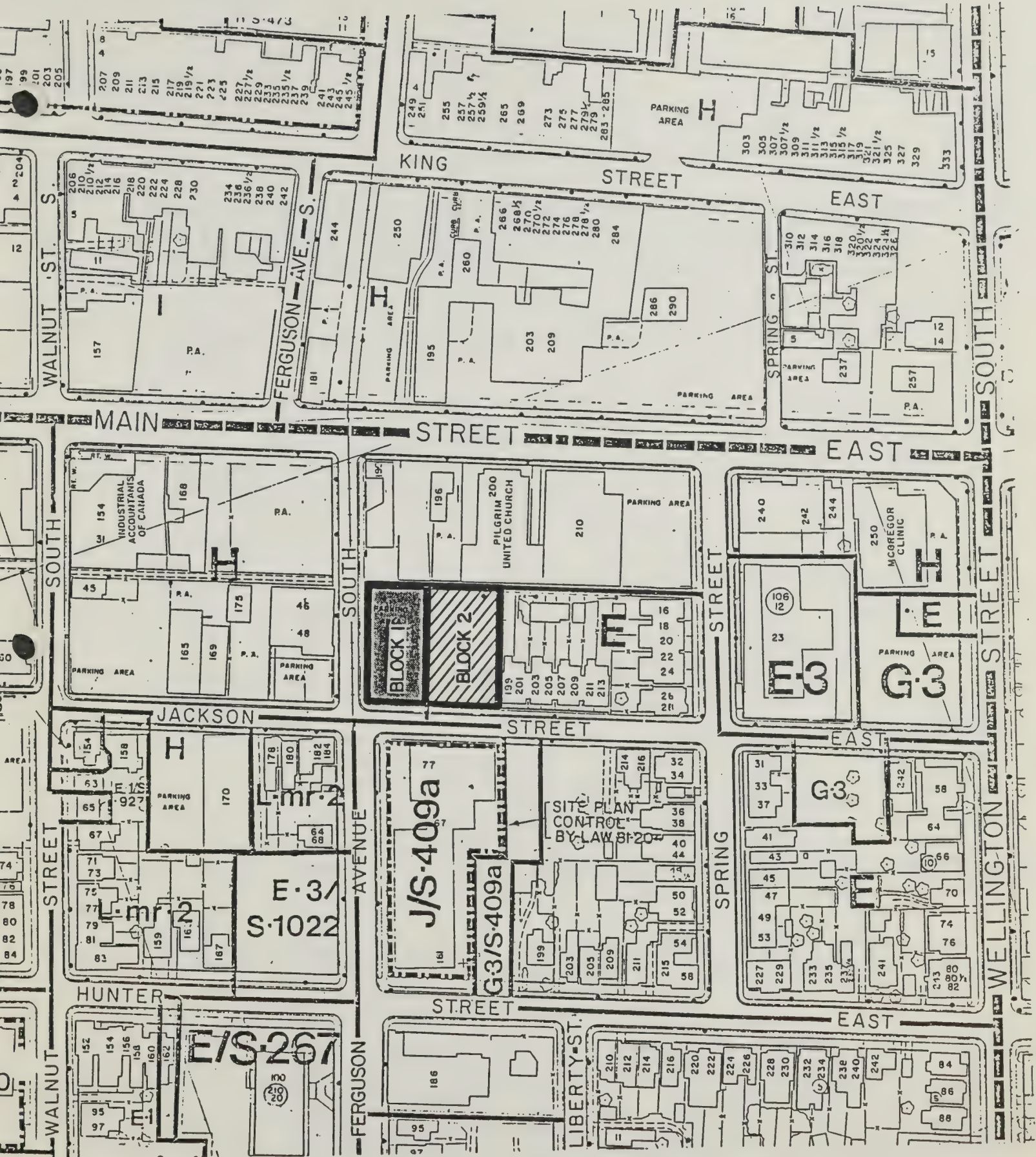
- 5) In response to CN and MOE's concerns about noise and vibration from the CNR spurline, the applicant is undertaking a study to address these issues. The study will be circulated to the two agencies for approval and will form part of the site plan approval. In this regard, any attenuation measures required will be incorporated at the site plan stage. In addition, the By-law will be held in abeyance until proof of the warning clause has been placed on title.

- 6) Under the "E" District regulations, the lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-233. Matters such as parking, landscaping, access etc. will be dealt with during the site plan approval process. Given the nature of the proposed parking arrangement and CN and Ministry of the Environment concerns, it would be appropriate to hold the by-law in abeyance until the site plan is approved by the Planning and Development Committee.
- 7) To ensure that the restrictive covenants are placed on title of the subject lands, the property is held under one ownership and that the shared parking arrangement is functional, it is appropriate to hold the amending by-law in abeyance until there is proof that these requirements have been completed.

CONCLUSION:

Based on the foregoing, the amended proposal can be supported.

JHE/ma
ZA87130



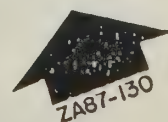
LEGEND



Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.



Modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.



HONG LOK (**)/ CENTRAL PLACE

The Hong Lok/ Central Place project is a family-oriented church-sponsored project of First-Pilgrim United Church, and the congregation's housing corporation:-First Place, Hamilton. It is proposed for a downtown location in Corktown neighbourhood, in the area of Ferguson S. & Jackson streets.

The project consists of two buildings on two sites with a total of 93 (57 +36) units.

The Hong Lok portion (whose units and amenity area will be utilized by the Chinese community) will be located on the south side of Jackson Street between Ferguson and Spring streets. Central Place will be located on the south west corner of Ferguson S and Jackson streets (on a site that is now the parking lot of First-Pilgrim Church).

General:

The project is in accord with significant planning and housing priorities:-

- i - Central Area Plan:

"Residential development for all levels of income"

(Official Plan Amendment A.2.9.1.ii).

"Residential development will be actively encouraged...."

(Official Plan Amendment A.2.9.7)

"A strong residential component close to the downtown is essential to:
 . maintain and enhance the downtown's economic and service functions
 . reduce dependency on commuting and transportation facilities"

(Goals of the Central Area Plan 4.4)

"Within areas designated Neighbourhood Residential, a variety of housing types and tenures for all levels of income will be encouraged. Special emphasis will be given to suitable accommodation for families, the disabled, seniors and others in need." (C.A.P.4.4.4)

ii - High Density Study - recommendations endorsed by Hamilton City Council, July 26, 1988 - especially those recommendations concerning site-specific use of planning incentives, setback requirements, etc. (e.g. recommendations 6,10 a, and 18)

iii - Housing Intensification Study - currently underway in the Regional Municipality in response to initiatives and policy priorities of the Government of Ontario . The Draft Background Report for the Study notes (section 3.3, p.15): "In March of 1988, an assisted housing survey undertaken by the Planning and Development Department for the Municipal Housing Statement Update, estimated that at least 5,041 rental households were in need of affordable housing".

iv - Government of Ontario - in its published housing statements, and in initiatives undertaken to encourage churches and other community agencies and institutions to use church (agency)-owned land for housing projects, especially in core city areas

Note: - (**) - Hong Lok - is a transliteration of Chinese characters: "well-being & happiness"

2...

Zoning:

Although these buildings are designed to fit into the basic requirements of E2 zoning, they require the following variances:

Gross floor area increase

Parking reduction for the Hong Lok building
(and related parking 'grouping' on Central Place site)

Side and Front Yard Reductions

These matters are dealt with in the following sections.

Gross Floor Area:

The proposed increase in gross floor area for the project arises from the necessity of creating family housing in the core area of the city - rather than seeing most of it located at the fringes of the urban region. This need is a theme of all the studies and policy processes referred to above (page 1). It has been articulated also by several Aldermen of the City of Hamilton who are concerned and frustrated by the fact that all of the 'affordable housing' developments are now being built along Limeridge Road and south.

There is a need for housing in the downtown area that is affordable for families, especially where employed heads of families are often working in low paying jobs in service industries. Such persons need decent and affordable housing that is near their workplace(s).

Moreover, as studies earlier referred to point out, the provision of family (affordable) housing in the city core is cost-effective in relation to services. Much of the municipal infrastructure (i.e. schools, sewers, water, roads, sidewalk, etc) are in place, and do not require the magnitude of expenditures necessary to service suburban and 'urban fringe' sites.

To date, it has been impossible to build affordable subsidized family housing in the core of Hamilton because of the restrictions of density relative to land costs, and a built-in bias (in the zoning regulations) to smaller, private, higher-cost, non-family accommodation.

The additional gross floor area is required for the following purposes:

- i - added amenity space - e.g. children's/family community centre in Central Place. (Note that this is in accord with the goals and objectives of the Central Area Plan in relation to the provision of community services - i.e. close to persons to be served and close to the streets);
- ii - added storage facilities in each housing unit. If these areas were to be placed in the basement, they would not be counted as GF. It is appropriate to make such provision in the units.
- iii - family housing units (i.e. a mix of 1,2, and 3 bedroom units) as opposed to exclusively bachelor and one bedroom units). Units for the disabled are also to be provided.

3...

These two buildings are to be built under the provisions of the Ontario non-profit housing program. Under this program, the Province allocates a number of units to the sponsor group, and in so doing, dictates a Maximum Unit Price for each apartment type. This MUP then goes to pay for all costs of the project - including land, underground parking, interim financing and all hard/soft costs of construction.

Both land and parking costs are related to the number of units that can be built on a given site. Because urban core sites are more expensive, the non profit sponsor of a project must increase the number of units on a site to bring all cost elements within the MUP framework.

The sponsor of this project believes that the buildings as proposed fit within the MUP requirements, but in a way that is supportive of the streetscape and that accords with good standards of design. It is believed that the proposed development fits precisely with the intent of the policies and studies referred to on page 1, and also with the concerns currently being addressed by the Regional Chairman's Task Force on Housing.

Parking:

Although the parking for the Hong Lok building site has been reduced, the parking for the complex as a whole actually exceeds the municipal requirement of .8. spaces per apartment.

It is noted that the two buildings are part of one project under the same ownership (i.e. First Place, Hamilton). The Presbytery of Hamilton of The United Church of Canada has given the First-Pilgrim congregation the necessary permission to transfer title of the present church parking lot site to First Place, to effect the single ownership of both sites and buildings.

It is noted also that the proposed parking arrangement accords with the concept of the High Density study for flexible approaches to meeting parking requirements of core city housing projects, with the further effort to provide additional parking spaces that could be made available to commercial and other users.

Thus the variance is being sought to reduce the parking on the Hong Lok site and increase the provision on the Central Place site.

Setbacks:

Again setbacks and their reduction have to do with the urban quality of these spaces and the hope that usable green space can be developed on the site other than just front or rear yards. Once again, this is directly in accord with the objectives of the Central Area Plan, and the provision of varied and effective neighbourhood streetscapes.

The project also deliberately reflects the roof shapes, porches, brick colour and general "presence" of the buildings in the area - so that the proposed new buildings will "fit" the streetscape in a positive way. To achieve this, a reduction in side yards and front yards is required.

4...

With respect to such matters, the sponsors are strongly of the view that a proper sense of "context" for such buildings requires a 'three-dimensional approach' to planning...i.e. the buildings within their 'enclose' of space and streetscape.

It has been said of our cities:

"We've got to stop expanding urban geographical boundaries and, instead, increase density within the existing area. This would diminish our dependence on cars and maximize public transport and other utilities. The paradox of suburban sprawl is that it substitutes roads and shopping malls for community".

The Hong Lonk/Central Place project is a modest, site-specific, street-sensitive development of a type that deserves encouragement and support (whether it has private or non profit sponsorship). For it attempts to address the need for affordable housing in the core city in ways that link positively with other goals and objectives of sound urban policy.

12.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: April 20, 1990

COMM FILE:

DEPT FILE:

ZA-90-19
Thorner
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT


SUBJECT

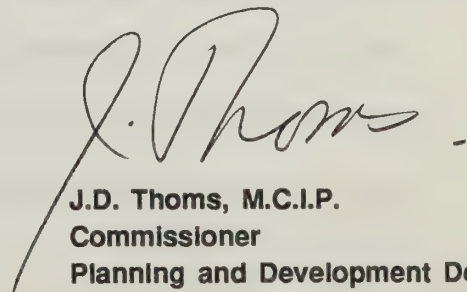
Request for a change in zoning - land at the southwest corner of Upper Sherman Avenue and Limeridge Road East.

RECOMMENDATION

That Zoning Application 90-19, David John Armstrong, owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified to permit a variety store, professional offices (excluding medical), dry cleaner outlet, barber shop/hair dresser, video store, bank, clothing store, drug store, TV/appliance store, and photo studio, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of the Official Plan;
- ii) it conflicts with the intent of the approved Thorner Neighbourhood Plan;
- iii) the proposed uses would be incompatible and out of character with existing and proposed low density housing in this area; and,
- iv) there is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.


A.L. Georgieff, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to use the property for a variety store, professional offices (excluding medical), dry cleaner outlet, barber shop/hair dresser, video store, bank, clothing store, drug store, TV/appliance store, and a photo studio.

o Zoning Application 88-27

At its meeting of June 15, 1988, the Planning and Development Committee approved an application to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, contrary to staff's recommendation, to permit a gas bar and a convenience store. Approval of the application required a redesignation from "RESIDENTIAL" to "COMMERCIAL" in the Official Plan. Official Plan Amendment No. 58 was adopted by City Council on June 28, 1988 to implement this redesignation.

Objections to the Official Plan Amendment and the Zoning By-law amendment were received and have been referred to the Ontario Municipal Board. The matter is awaiting a hearing, which has been scheduled for May 29, 1990.

APPLICANT

David John Armstrong, owner.

LOT SIZE AND AREA

- o 50.29 m (165 feet) of lot frontage on Limeridge Road East;
- o 60.96 m (200 feet) of lot frontage on Upper Sherman Avenue; and,
- o 3,065.8 m² (33,001 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	proposed mountain freeway	"AA" (Agricultural) District
to the west	church	"AA" (Agricultural) District
to the east	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN

The subject lands are currently designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. However, Council adopted Official Plan Amendment No. 58 in conjunction with the previous zoning application which redesignates the land from "RESIDENTIAL" to "COMMERCIAL". This Official Plan Amendment was referred to the Ontario Municipal Board with the previous rezoning application and is awaiting approval from the Board.

The current zoning application conflicts with intent of the Official Plan. Should the application be approved, an Official Plan Amendment is not required as there is a pending amendment to redesignate the land from "RESIDENTIAL" to "COMMERCIAL".

NEIGHBOURHOOD PLAN

Designated "ATTACHED HOUSING" on the approved Thorner Neighbourhood Plan, the proposal conflicts with the Neighbourhood Plan. Approval of the application would require a redesignation to "COMMERCIAL".

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Freeway Project Office; and,
- Hamilton Region Conservation Authority.

- o The Traffic Department has advised that:

"Please be advised that we have reviewed the above-noted application and find it satisfactory. However, the applicant should be advised that an increase in traffic volumes created by the freeway may require the establishment of a designated left turn lane. This may limit the turning movement on Upper Sherman Avenue to right turns in and out."

- o To date, the Hamilton-Wentworth Engineering Department and the Building Department have not submitted any comments.

COMMENTS

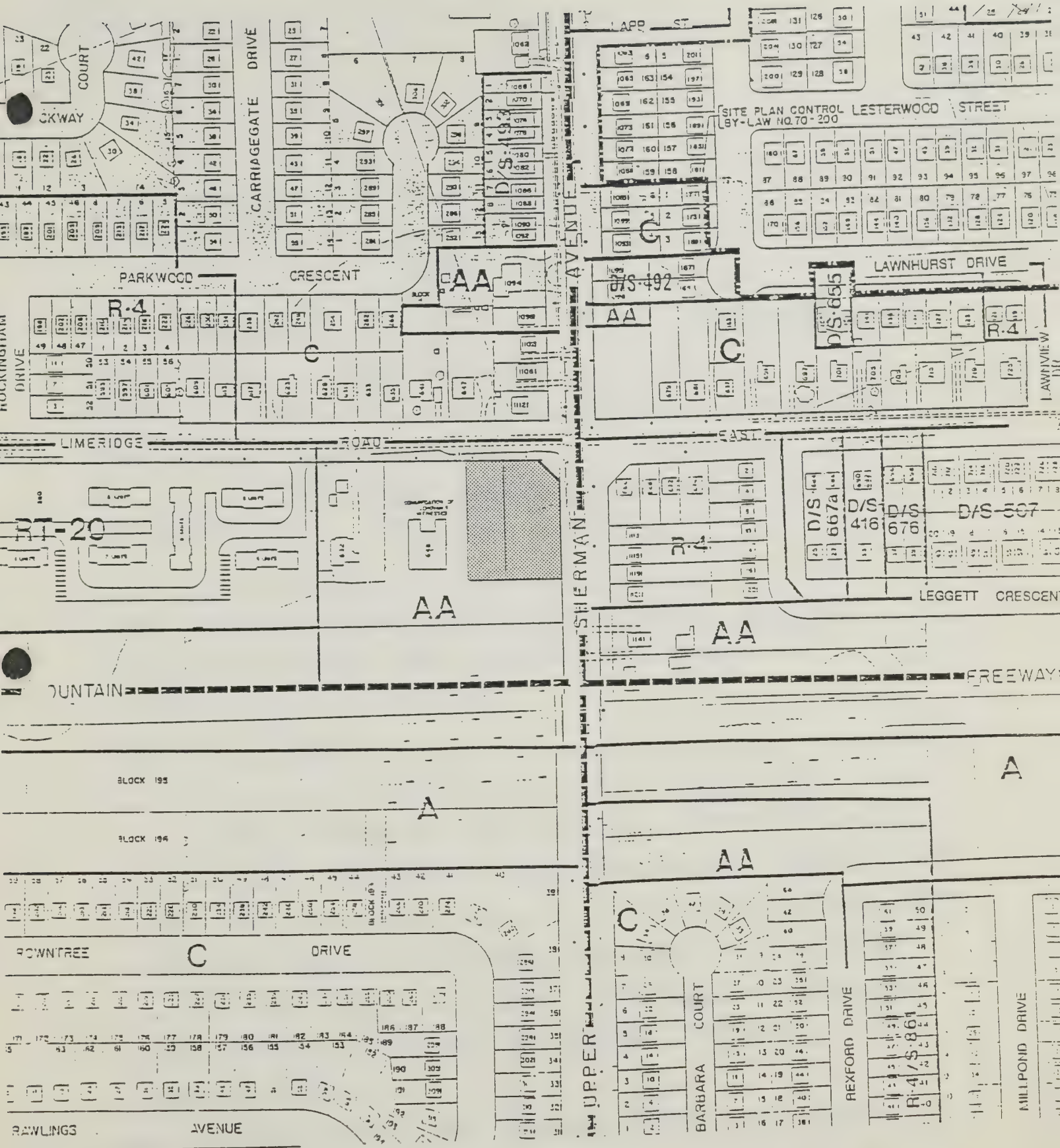
1. The proposal conflicts with the intent of the Official Plan. However, approval of the application would not require an Official Plan Amendment as there is a pending OPA to redesignate the land from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal conflicts with the approved Thorner Neighbourhood Plan. Approval of the application would require a redesignation from "ATTACHED HOUSING" to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan;
 - ii) it conflicts with the intent of the approved Thorner Neighbourhood Plan;
 - iii) the proposed uses would be incompatible and out of character with existing and proposed low density housing in this area; and,
 - iv) there is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.
4. The Planning and Development Committee and City Council supported the previous application for commercial development of this property. Should favourable consideration be given to the current application, it would be appropriate to limit the uses permitted on the site to those which comply with the Local Commercial Policies of the Official Plan. The requested TV/appliance store, bank and clothing store are not considered to be Local Commercial uses. Accordingly, it would be appropriate to delete these uses from the list of permitted uses. It should be noted that the requested variety store, professional offices (excluding medical), dry cleaner outlet, barber shop, video store, drug store and photo studio would be less offensive than the previously approved gas bar.

5. The requested "HH" (Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Should Council support the application, the lands will be subject to Site Plan Control.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

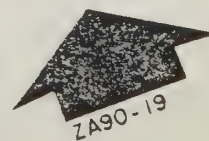
MLT/ma
WPZA9019



Legend



Site of the Application



13.

530 SEAMAN STREET
STONE CREEK, ONTARIO
L9E 3X7
(416) 578-1648
FAX NO (416) 662-4149

FAXMEMO

DATE: APRIL 26TH/90 TIME: _____ FAX NO: 546-4202
ATTENTION: PAUL MALLARD
COMPANY: HAMILTON CITY HALL, PLANNING & DEVELOPMENT.
FROM: BRIAN ULRICH
RE: 14 DUKE STREET, HAMILTON
PROJECT NO: MR. ROB PATTERSON

NUMBER OF PAGES TRANSMITTED INCLUDING THIS COVER SHEET: (1) ONE

If you do not receive all pages, please call (416) 578-1646.

Our Fax Number is: (416) 662-4149.

MESSAGE: PAUL

THIS LETTER IS TO CONFIRM THAT WE WILL
TABLE OUR APPLICATION FOR THE ZONING CHANGE, AS
PER OUR CONVERSATION OF YESTERDAY. EARL BEGG
AGREED THAT A ZONING CHANGE WAS UNNECESSARY.

WE WILL BE SUBMITTING CONSTRUCTION DRAWINGS,
FOR NORMAL BUILDING DEPARTMENT APPROVAL, AT A
LATER DATE.

PLEASE NOTE THAT VANESSA GRUPE HAS BEEN
NOTIFIED OF THIS TABLING OF THE APPLICATION.

Brian Ulrich

HARD COPY TO FOLLOW: ☐ YES ☒ NO ☐ BY MAIL ☐ BY COURIER

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: APRIL 18, 1990
COMM FILE:
DEPT FILE: P5-9-39

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

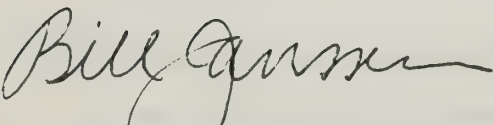
SUBJECT:

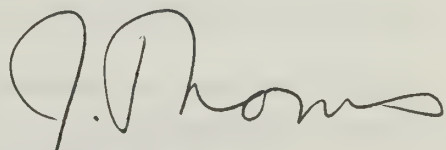
Upper James Street (West Side, Wembley to South Bend Roads) Land Use Review.

RECOMMENDATIONS

That the Planning and Development Committee:

1. Approve Option 2 and the accompanying Development Guidelines, as identified in Appendix "A", Upper James Street (Wembley to South Bend Roads) Land Use Review, as the recommended Land Use Strategy for the area west of Upper James Street, between Wembley and South Bend Roads; and,
2. Authorize the Planning and Development Department to hold a Public Meeting (in accordance with Sections 17 and 34 of the Planning Act, as amended) to consider amendments to the Official Plan and Zoning By-law, as required for the implementation of the Land Use Strategy (Option 2).

for 
A. L. Georgleff, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Upper James Street (Wembley to South Bend Roads) Land Use Review (attached as Appendix "A") was initiated by Council, as a result of proposals for commercial development along Upper James Street. As directed by the Planning and Development Committee, a public information meeting was held on February 21, 1990, to present the findings of the Upper James Street Land Use Review and to solicit public input. Subsequently, the proposed Land Use Strategy and implementation approach have been refined and detailed.

BACKGROUND

The purpose of the Upper James Street Land Use Review was to formulate a strategy through guidelines and/or policies which would give direction to future land use considerations for the area west of Upper James Street, between Wembley and South Bend Roads. The Land Use Review identified four Land Use Options for the study area, ranging from the retention of the existing residential uses to complete redevelopment.

Option 2 was identified as the preferred land use option. This Land Use Strategy would permit the conversion of all, or part of, the existing structures fronting onto Upper James Street for commercial uses. The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). In addition, retention of a residential component would be encouraged (i.e. - apartments above commercial uses), in order to provide affordable housing in the area. Parking, buffering and landscaping would be required.

Option 2 was identified as the most appropriate strategy for the following reasons:

- o it is least likely to undermine adjacent residential uses;
- o the existing engineering services would be adequate;
- o a smooth transition from residential to commercial would be able to occur as the demand for conversion increases; and,
- o it would allow commercial conversion on the same basis as the area to the north (Wembley to Fennell).

Implementation would include amendments to the Official Plan and Zoning By-law, the establishment of Site Plan Control to ensure that design aspects (i.e. - access, parking layout, etc.) are satisfactory and adoption of Development Guidelines.

As a result of the public information meeting held on February 21, 1990, numerous submissions were received from the public regarding the Land Use Review. The public submissions and comments have been reviewed and responses are included in this Report. As well, the Upper James Street Land Use Review has been revised to incorporate various aspects of public input and to reconfirm Option 2 as the recommended Land Use Strategy.

COMMENTS FROM THE PUBLIC

Below is a summary of comments expressed by citizens at the public meeting and by written submission. Responses are provided for each issue raised by the public.

Issue - Parking and Traffic

Comments:

- 1) That increased traffic would be generated due to the proposed conversions of existing buildings along Upper James Street.
- 2) That adequate parking be supplied and that overflow parking not occur on West 1st Street.

Responses:

- 1) The types of commercial uses proposed were chosen because they are low impact and low traffic generating uses. Further, traffic statistics do not show any substantial increase in traffic volumes following the rezoning, in 1983, of the area to the north (Fennell Avenue to Wembley Road).
- 2) The proposed Zoning By-law amendment would require one parking space per 31 square meters of floor area. This is more than generally required by the Zoning By-law, as commercial establishments of this size are not required to provide parking. Again, it should also be noted that the proposed uses were restricted to low traffic generating commercial uses, to ensure minimal impact on adjacent residential areas.

Issue - Site Design, i.e. - Landscaping, Buffering, Grading

Comments:

- 1) That adequate buffering be provided between proposed commercial uses fronting onto Upper James Street and the existing residential uses along West First Street.
- 2) A negative impact on residential uses on West First Street would occur due to garbage from proposed commercial uses on Upper James, i.e. - smell and visual impacts.
- 3) Concern that properties on West First Street would experience increased runoff into their rear yards, due to the paving of rear yards along Upper James Street to provide parking for commercial conversions.

Responses:

- 1) The Land Use Review included Development Guidelines for Option 2 which outlined landscaping and buffering measures, such as 1.2 - 2.0 meter high visual barrier and 1.5 meter landscaped strip along rear lot lines. It was proposed to place the area under Site Plan Control, to ensure the

implementation of these buffering features, as well as, parking layout, grading, etc. However, to further ensure the public that these provisions will be implemented, they should be incorporated into the site specific Zoning By-law amendment.

- 2) The buffering and location of refuse containers can be regulated through Site Plan Control. This will ensure that containers are properly located and buffered, with respect to adjacent residential uses.
- 3) As the area will be placed under Site Plan Control, the grading of proposed parking areas can be addressed during the Site Plan procedure, to ensure runoff from commercial uses is directed towards Upper James Street, rather than towards the adjacent residential uses.

Issue - Proposed Uses and Options

Comments:

- 1) Opposition by the public to private club as a permitted use.
- 2) Computer sales and service, musical instruments sales and instruction, quick print shop and office supplies should be included as proposed uses.
- 3) Option 3 is preferable, as it would provide "low rise development of much needed residential/commercial mix".
- 4) Businesses which operate outside the hours of 9:00 a.m. to 6:00 p.m., such as variety stores, would generate an unacceptable level of noise infringing upon adjacent residential uses, and should be prohibited until such time as there is no ongoing residential use along Upper James.
- 5) The properties fronting onto Upper James should be used for commercial uses with the properties fronting onto West First Street zoned for low to medium density seniors housing.

Responses:

- 1) Private Club has been removed from the list of proposed uses for Option 2.
- 2) It is not necessary to include office supplies as a proposed retail use, as a retail store selling books and stationary is already included. The remainder of the above noted uses have been added to the list of proposed uses.
- 3) Option 3 could provide residential/commercial development, however, given the disadvantages identified for this Option (see pages 14-15 of the Land Use Review), it is considered to be much less feasible than Option 2.
- 4) As the Zoning By-law does not regulate hours of operation, all the proposed retail uses would have to be deleted from the list of proposed uses, as they traditionally operate outside regular business hours (i.e. - 9:00 a.m. to 9:00 p.m., Monday to Saturday). This would be too restrictive in terms of the number of uses permitted and cannot be supported.

- 5) An Official Plan Policy could be used to encourage seniors housing for the above-noted area. However, once an area is zoned for multiple-family residential uses, there is no way of restricting housing to seniors residences. Further, as discussed in the Land Use Review, under Option 4 (pages 15 - 16), engineering services are not adequate and would require upgrading; extensive land assembly would be required; and some impact could be expected on the adjacent residential area. For these reasons, the above request cannot be supported.

Issue - Proposed Limitation to Existing Buildings

Comments:

- 1) Option 2 should be revised to eliminate the restriction to the existing structures.
- 2) Option 2 should be revised to permit residential/commercial developments up to two storeys in height and to encourage seniors residences.
- 3) Option 2 should be revised to allow extensions or enlargements to the existing structures.
- 4) That the two vacant lots in the study area would be developed for commercial uses not in keeping with the adjacent area, specifically, that yard setbacks and building dimensions would not be comparable to those of the existing structures.

Responses:

- 1-3) If Option 2 was revised to incorporate the above requested changes, the intent of Option 2 as noted below, would be negated:
- o to maintain the existing streetscape;
 - o to minimize the impact on adjacent residential uses;
 - o to minimize the impact on traffic and parking in the area; and,
 - o to ensure that development standards are consistent for the area (Fennell to South Bend).

As well, the sewer system cannot accommodate any increased development density along Upper James. As such, the changes suggested cannot be supported.

- 4) A policy can be incorporated into the Official Plan Amendment that would permit development of vacant lots, in accordance with the permitted uses for the area and in keeping with the existing development in the area. As well, the Zoning By-law amendment can permit development of the vacant lots, and require development standards comparable to those in the "C" district. This would ensure that new development on vacant lots would not be out of character with the established area.

Summary of Written Submissions Received

- o 7 were in favour of Option 1;
- o 6 were in favour of Option 2;
- o 1 was in favour of Option 3; and
- o 3 were in favour of Option 4.

As can be seen above, a total of ten responses were in favour of some form of redevelopment or reuse for commercial and/or mixed commercial/residential uses (Option 2, 3 or 4). On the other hand, only seven responses were in favour of retaining the residential uses in the study area (Option 1). Of the ten responses in favour of commercial redevelopment or reuse, six preferred Option 2.

Further, it should be noted that nine responses were received from properties fronting onto Upper James Street. Of these nine responses, eight favoured commercial redevelopment or reuse, while only one would prefer the area to remain residential.

In conclusion, input received from the public suggests that the majority of the area residents would prefer to permit some form of commercial redevelopment or reuse. Public input also suggests that residents fronting on Upper James Street no longer view the area as suitable for single-family residential purposes and prefer that conversion for commercial uses be permitted. Conversely, residents along West First Street are concerned about the impact from proposed commercial uses fronting onto Upper James Street.

PROPOSED LAND USE STRATEGY

The Upper James Street (Wembley to South Bend Roads) Land Use Review identifies Option 2 as the preferred Land Use Strategy. In terms of public submissions, this strategy would also be preferable as it would allow properties fronting onto Upper James to convert for commercial uses, while minimizing all possible impacts on the adjacent residential area.

Accordingly, Option 2 is recommended as the most appropriate Land Use Strategy for the area. The following implementation methods would be required:

Official Plan Amendment

To implement Option 2, an Official Plan Amendment would be required to:

- i) Redesignate the subject lands, from "Residential" to "Commercial";
- ii) Establish a new Special Policy Area for the subject lands to:
 - o limit the types of commercial uses permitted;

- o to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;
 - o to restrict commercial uses to the existing buildings, or where existing buildings are destroyed, they may be replaced by new buildings with the same external building dimensions;
 - o to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistent with those structures in the established area;
 - o to encourage proponents for conversion to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of accesses onto Upper James Street. In this respect, proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;
 - o to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,
 - o to require adequate buffering (i.e. - landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses; and,
- iii) To delete "Special Policy Area 38", applicable to the lands known as 678 Upper James Street. The provisions of the proposed Special Policy Area, as set out by ii) above, should be applied to 678 Upper James Street, to ensure comprehensive policy for the entire area.

Zoning By-law Amendment

To implement Option 2, a Zoning By-law amendment would also be required. The subject lands would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, as follows:

- i) Permitted uses will be limited to the following:

Residential

- o single family dwelling; and,
- o one dwelling unit in the same building with a permitted commercial use.

Commercial

- o business or professional person's offices;
- o photographer's or artist's studio but not including a motion picture studio;

- o barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- o retail store selling:
 - a) wearing apparel and accessories;
 - b) furniture, homefurnishings, appliances;
 - c) antiques;
 - d) books and stationery;
 - e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - f) cameras and photographic supplies;
 - g) jewellery;
 - h) flowers plants and like goods sold or offered for sale by a florist;
 - i) sale and dispensing of optical goods;
 - j) computer sales and service;
 - k) musical instruments sales and service; and,
 - l) photocopy service;
- o retail drug store;
- o food store;
- o retail variety store;
- o showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures or a pet shop; and,
- o commercial lending library or art gallery.

Institutional

- o day nursery.

Public

- o library; and,
- o art gallery.

Accessory Use

- o a wall, ground or projecting sign that complies with the following requirements:
 - a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in area; and,
 - b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

- ii) Conversions will be limited to the existing buildings, in accordance with the following provisions:
 - a) All permitted uses will be limited to the existing buildings only.
 - b) Development of vacant lots will be consistent with the established development in the area. As such, the following regulations will apply to the development of vacant lots:
 - o a height restriction of 2 storeys;
 - o a front yard depth of at least 4.5 meters;
 - o a side yard along each side lot line of at least 1.2 meters; and,
 - o a rear yard of a depth of at least 7.5 meters.
 - c) Where existing buildings are destroyed, new buildings with the same external dimensions and floor area will be permitted, subject to the regulations set out in ii) b), above.
- iii) Conversions will be subject to the following landscaping and buffering requirements:
 - a) In the event that any of the permitted commercial, institutional or public uses are established, to require:
 - o a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and,
 - o a 1.5 meter wide landscaped planting strip,
 to be provided and maintained along the entire westerly rear lot line.
 - b) To require all lighting facilities at the rear of the commercial conversions to be installed and maintained so as to ensure that the light is directed away from all adjacent residential areas.
- iv) Parking will be required on the basis of:
 - a) One space for every one dwelling unit for residential uses;
 - b) One space for every 19 m² of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);
 - c) One space for every 6 children for day nurseries; and,
 - d) One space for every 31 m² of floor area for all other permitted uses.

The above-noted parking requirements are consistent with the regulations contained in the Zoning By-law.

Site Plan Control

The area should be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, grading, etc.

Development Guidelines

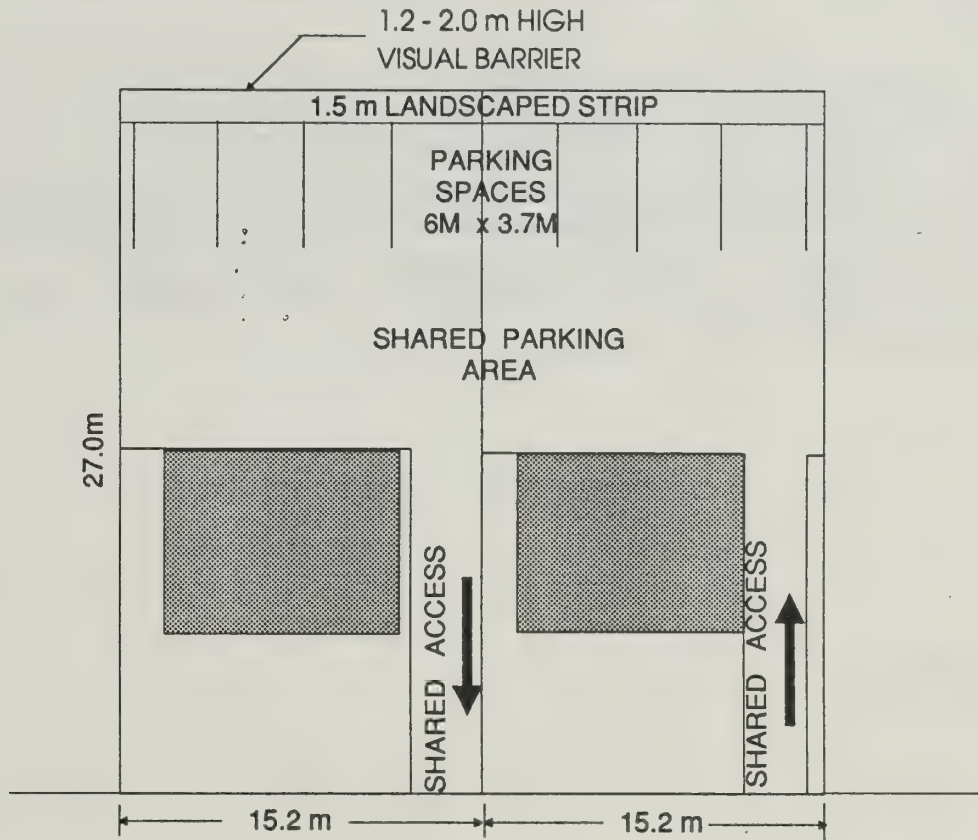
The following Development Guidelines should be adopted by Council to provide guidance when evaluating proposals for commercial conversion.

- 1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

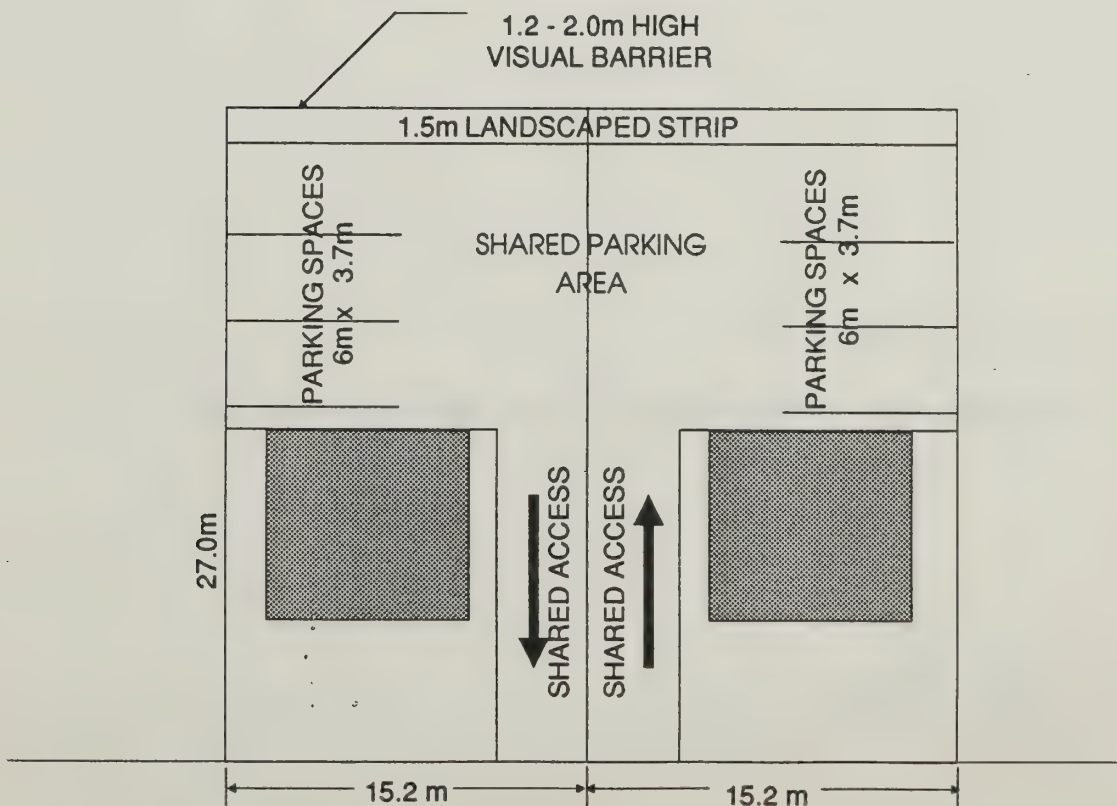
In order to accommodate the above noted features, proponents will be encouraged to convert two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

- 2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.
- 3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;
 - o 1.2 to 2.0 meter high visual barrier; and,
 - o 1.5 meter wide landscaped planting strip,
 along all rear lot lines.
- 4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.
- 5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.
- 6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.
- 7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will be limited in height so as not to create a nuisance on adjacent residential uses.

Examples of site plans for commercial conversions are shown below.



UPPER JAMES STREET



UPPER JAMES STREET

CONCLUSION

Based on the above, it is recommended that Option 2 and the above noted Development Guidelines be approved by the Planning and Development Committee as the Land Use Strategy for the area west of Upper James Street, between Wembley and South Bend Roads. Since the implementation of this Land Use Strategy would require amendments to the Official Plan and Zoning By-law, it is also recommended that the Planning and Development Department be authorized to hold a Public Meeting, as required by the Planning Act, to consider the proposed Amendments. Final recommendations can then be presented to Council regarding the Land Use Strategy, Development Guidelines, Official Plan and Zoning By-law Amendments and Site Plan Control.

CL-M/dkp

A:\UPPJAMES.P&D

UPPER JAMES STREET
(Wembley To South Bend Roads)
Land Use Review

Prepared by:

The Planning and Development Department

REVISED
APRIL 1990

Upper James Street (Wembley to South Bend Roads)

Land Use Review

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1.0) Background

As directed by Council, a land use review of the area along Upper James Street between South Bend and Wembley Roads has been undertaken. The study area includes the area west of Upper James Street, between Wembley and South Bend Roads. (see Map 1).

The purpose of this study is to formulate a strategy through guidelines and/or policies which will give direction to future lands use considerations along Upper James Street at the periphery of the Bonnington Neighbourhood. A strategy is imperative for: delineating, in a comprehensive manner, how new uses and/or redevelopment can occur within the established neighbourhood fabric; and, evaluating the merits of proposals for change. Applications in the study area are currently dealt with on an ad-hoc basis, with no specific guidelines or policies in place.

1.1) Development History

As Hamilton grew "southward" in the 1950's and 60's, Upper James Street became one of the major commercial corridors on the mountain. Despite the commercial development extending along Upper James Street, a few city blocks have remained residential. In fact, up until 1983, the blocks between Fennell Avenue and South Bend Road, remained primarily residential, with the exception of the Mountain Plaza (rezoned for a shopping center in 1957). Presently, the area between Fennell Avenue and Wembly Road is experiencing a slow transition from residential to commercial.

While the study area remains predominantly residential, there have recently been two zoning applications for change to commercial uses. Although the pressure for commercial development has been moderate, it is likely to accelerate, given, the extent of existing commercial development along the Upper James Street corridor, and the opportunity to convert less expensive residential land for commercial use.

1.1.1) 638-672 Upper James Street - North of the Study Area (ZA 80-31)

In 1980, a Zoning application was submitted requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of these lands for commercial purposes. Council considered the area inappropriate for commercial development (ie. incompatibility with adjacent uses, creation of traffic hazards on Upper James Street, increased traffic on local streets) and denied the application.

An appeal was subsequently made to the Ontario Municipal Board and the application was approved. The Board considered the area suitable for commercial uses and directed the City to amend its Official Plan (Special Policy Area 19) and Zoning By-law, and to place the area under Site Plan Control. The amendments permitted limited commercial uses within the existing buildings. For details of Councils disposition and the Boards decision see Appendix A.

MUNICIPAL NUMBERS

Fennell Ave. W

	634
	636
	640
	642
	644
	646
	648
	650
	652

Monarch Rd.

	654
	656
	658
	660
	662
	664
	666
	668
	670
	672

Wembley Rd.

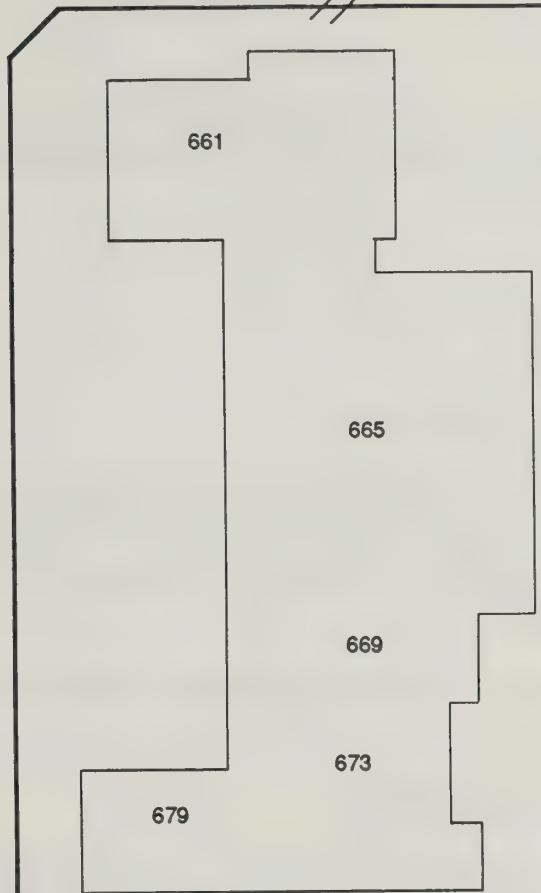
37	674
39	676
41	678
43	
45	682
47	684
49	686
51	688
53	690
55	692

Mc Elroy Rd. W

57	694
59	
61	698
63	700
65	702
67	704
69	706
71	708
73	710
75	712

South Bend Road West

Fennell Ave. E



UPPER JAMES STREET

681	
685	
687	
689	
691	

Mc Elroy Rd. E

693	
695	
697	
699	
701	
703	
705	
707	
715	
719	

South Bend

Allenby Avenue

Road East

Howard Avenue

LEGEND



Study Area

Further amendments provided for the development of vacant land at 638 Upper James (Special Policy Area 29) and the exemption of 660 Upper James from the restriction to the existing building (Special Policy Area 34).

1.1.2) Within The Study Area

a) 678 Upper James Street (ZA 86-51)

On March 10, 1987, Council adopted Official Plan Amendment No. 49, (Special Policy Area 38) and passed By-Law 87-221 which permitted the conversion of the existing residential building for limited commercial uses. The provisions applied were the same as those for 638-672 Upper James Street.

As a result of this application, Council requested staff to undertake this land use review.

b) 694-696 Upper James Street (ZA 88-124)

A real estate office was established at this location, notwithstanding the residential zoning ("C" District). Accordingly, the Building Department issued an Order to Comply against the property for contravention of the Zoning By-law. In response, the owner applied for a rezoning to permit the real estate office. The application is being held in abeyance pending the outcome of this study.

1.2) Existing Land Use*

1.2.1) 638-672 Upper James Street - North of the Study Area

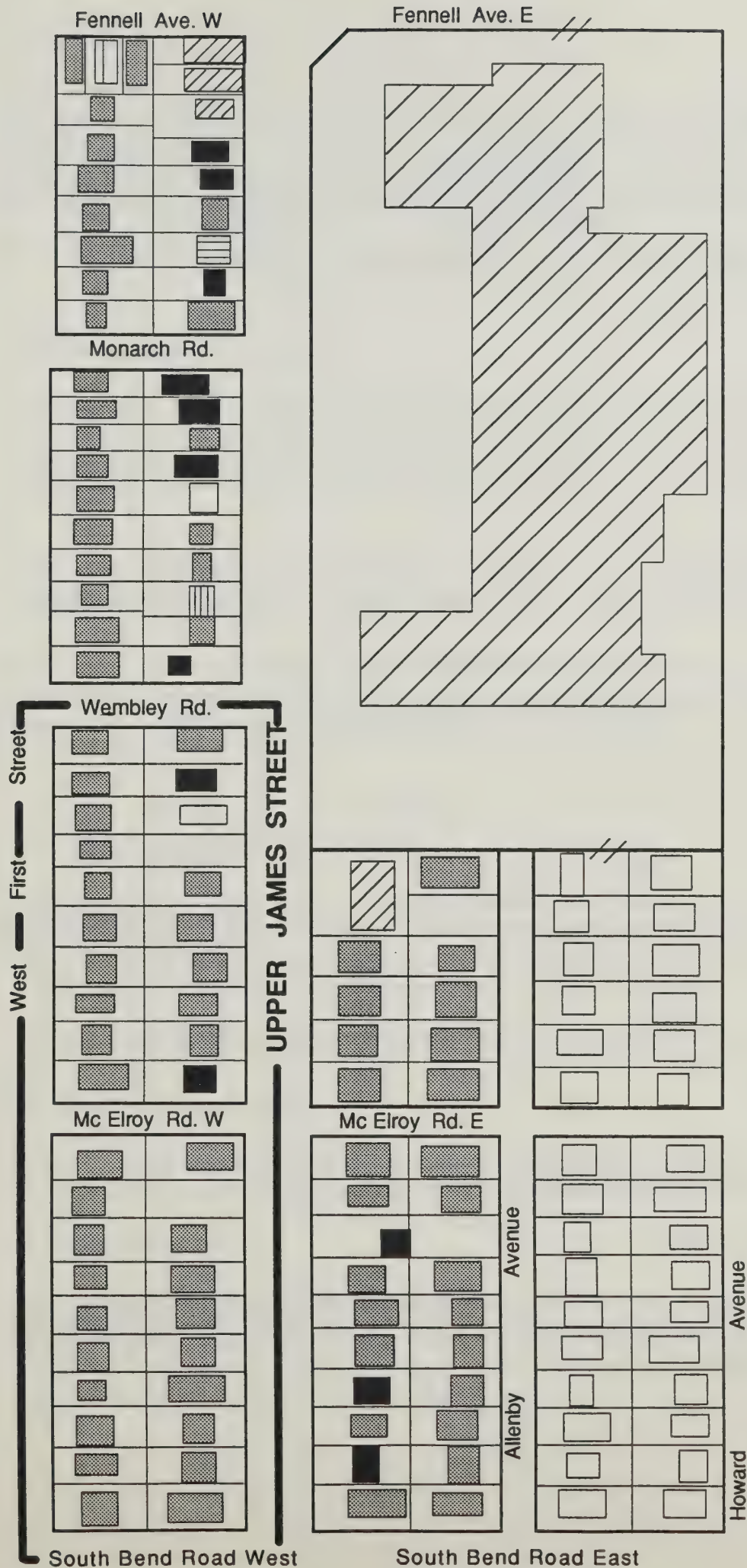
Of the 17 buildings north of the study area: 5 are used strictly for commercial purposes; 4 for mixed residential/commercial purposes; 1 is vacant; and the remaining 8 are used for residential purposes. This land use mix indicates that the area is under slow transition from residential to commercial.

1.2.2) Within the Study Area

The predominant land use is single family dwellings (see Map 2). However, 2 mixed commercial/residential uses do exist. Commercial establishments include a Chiropractor office and a variety store. Generally, the buildings are 1 1/2 to 2 storeys in height, and appear to be in good condition. The majority of the lots have driveways along the north side of the house. Existing uses are summarized in Table 1 below.

* **Based on site survey, July, 1989.**

EXISTING LAND USE



LEGEND

- Study Area
- Single Family Dwelling
- Two Family Dwelling
- Three Family Dwelling
- Mixed Residential/Commercial
- Commercial
- Vacant

Table 1 Existing Land Use

	Upper James St.	West 1st St.
mixed commercial/ residential	2	0
single family dwellings	26	20
vacant	1	0

1.2.3) Lot Sizes

The lot sizes in the study area are typical of those found in a "C" District - 12m x 30.5m (40' x 100'), however the depths tend to be shallow. The average lot sizes are summarized in Table 2 below.

Table 2 Average Lot Sizes

	Frontages	Depths	Areas
Upper James Street	15.2 m	26.8 m	409 m ²
West 1st Street	15.2 m	32 m	486 m ²

1.2.4) Ownership

Approximately 81% of the homes in the study area are owner-occupied. This statistic suggests stability in the residential uses.

1.3) **Transportation and Engineering Services**1.3.1) Roadways and Alleyways

Upper James Street is a major arterial road, as well as a Provincial highway, running in a north/south direction. It is also a major truck route linking the downtown with the mountain and the municipalities beyond.

Traffic volumes have been constant over the last 10 to 15 years. In a 24 hour period, approximately 23,000 vehicles use Upper James Street, south of Fennell Avenue. Similarly, truck volumes have remained stable over the last 10 years ranging between 300 and 400 in the 7-10 AM and 2-6 PM hours. Clearly, the large traffic volumes are not reflective of a residential street.

Within the study area, there are "public unassumed" alleyways west of Upper James Street.

1.3.2) Public Transit

The study area is served by the Upper James route running from Gore Park to either Sister Elizabeth Village or the Mountain Transit Centre. As well, the Fennell route runs from the Bayfront to Mohawk College and the Mohawk route runs from Upper Kenilworth Avenue to Upper Horning Road.

1.3.3) Watermain Capacity

Watermain capacity is sufficient to accommodate increased development fronting on Upper James Street. However, the capacity of the watermain on Southbend, McElroy and Wembley Roads is barely sufficient for single family dwellings.

1.3.4) Storm and Sanitary Sewer Capacity

Upper James Street has a combined sanitary and storm sewer system which at the present time, is barely sufficient to service the existing development. Increased development intensity in the area may create the necessity to upgrade the sewer system; however, no provision has been made in the Five Year Capital Works Program for such an undertaking.

1.4) **Existing Planning Controls**

Planning controls shape the manner and type of development that will occur. These include: the Official Plan, Neighborhood Plans, Zoning By-law and Site Plan Control.

1.4.1) Official Plan

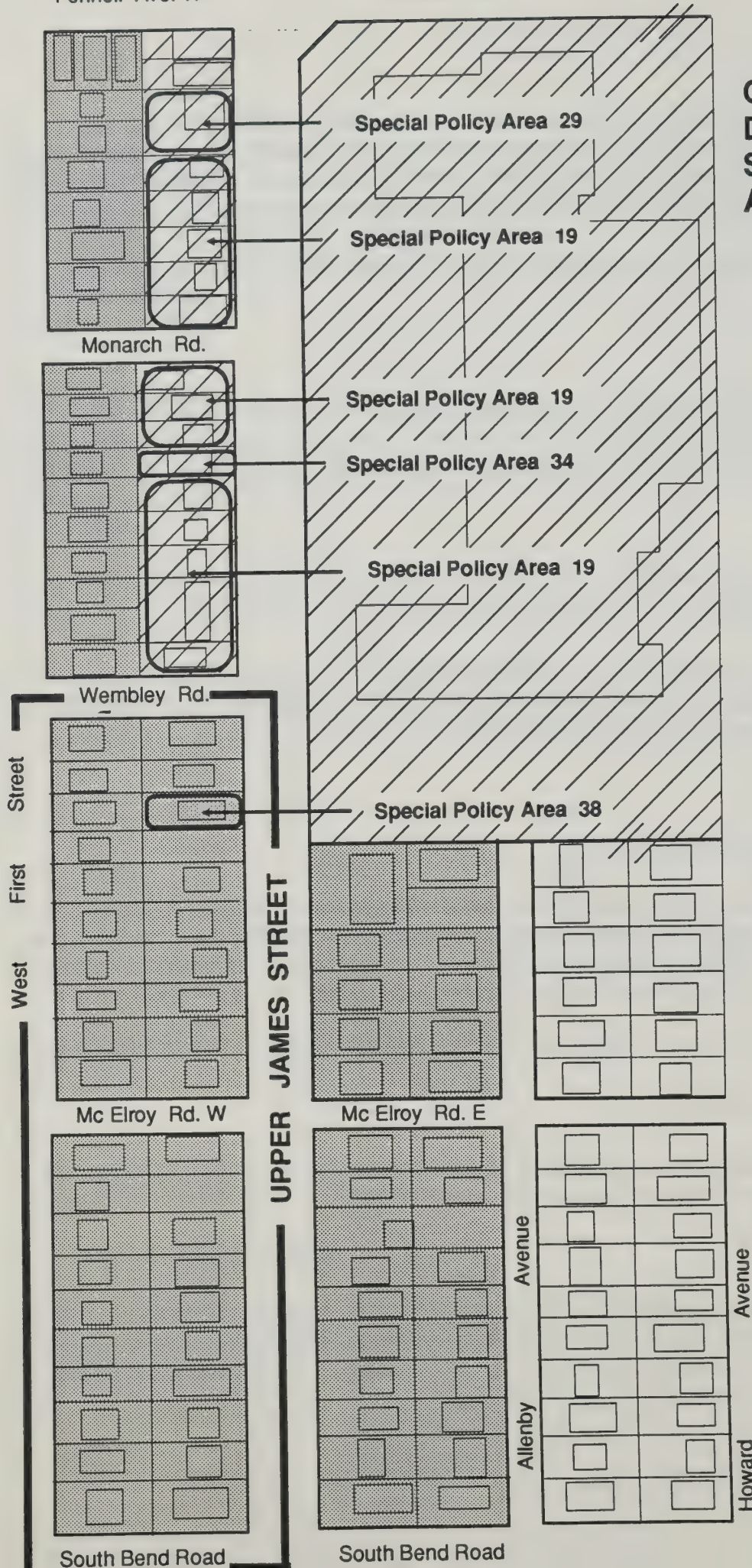
The study area is designated RESIDENTIAL on Schedule "A" - Land Use Concept (see Map 3). The primary permitted uses are dwellings. In addition, Local Commercial uses and Home Occupations may also be permitted, subject to certain provisions. Special Policy Area 38 (678 Upper James Street) permits limited commercial uses.

Fennell Ave. W



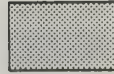

Fennell Ave. E

MAP No. 3

OFFICIAL PLAN DESIGNATIONS & SPECIAL POLICY AREAS



LEGEND

-  Study Area
-  Special Policy Areas
-  Residential
-  Commercial

1.4.2) Neighbourhood Plans

There is no Neighborhood Plan for the Bonnington Neighbourhood.

1.4.3) Zoning By-law

The majority of the properties are zoned "C" (Urban Protected Residential, etc) District (see Map 4). In addition to single family dwellings, converted dwellings, foster homes, residential care facilities, day nurseries, and home occupations may also be permitted.

One property (678 Upper James Street) is zoned "H" (Community Shopping and Commercial etc.) District, modified, to permit a limited number of commercial uses (ie. book store, antiques, personal service establishments) and requires parking, etc. The same zoning regulations apply to this property as those north of Wembley Road.

1.4.4) Site Plan Control

The majority of the study area is not under Site Plan Control, as Site Plan Control does not apply to the "C" District. However, Council has the option of requiring its application on specific properties. This was done in the case of 678 Upper James Street to ensure that adequate parking, access, buffering and landscaping was being provided (see Map 5).

2.0) ANALYSIS

In reviewing the background research and site analysis, certain characteristics of the study area are critical in the evaluation of land use options or strategies. Specifically:

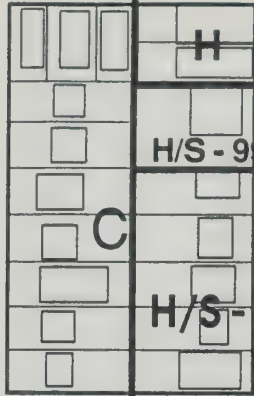
- 1) The study area consists of a multiplicity of small fragmented parcels of land. Generally, the average lot size is between 409 and 455 m² (4,400 and 4,900 sq. ft), with shallow depths averaging 26.8 to 30.5m (88 to 100 ft.);
- 2) The study area is located between two commercial nodes, south and north of the study area, which offer a wide variety of goods and services;
- 3) Upper James Street is a major transportation corridor carrying high volumes of both truck and automobile traffic, as well as being serviced by public transit;
- 4) Engineering services are restricted in that the watermain capacity cannot accommodate further development along South Bend, McElroy or Wembley Roads and the sewer system cannot accommodate any increased development density; and,

Fennell Ave. W

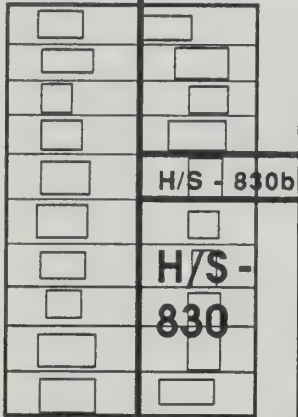
Fennell Ave. E

MAP No. 4

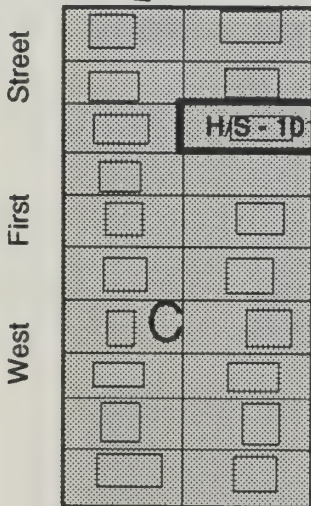
EXISTING ZONING



Monarch Rd.



Wembley Rd.

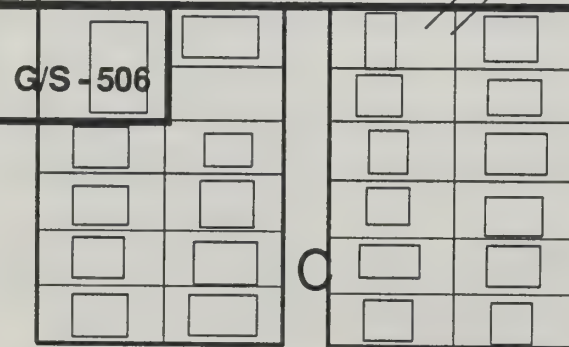


Street

First

West

Mc Elroy Rd. W



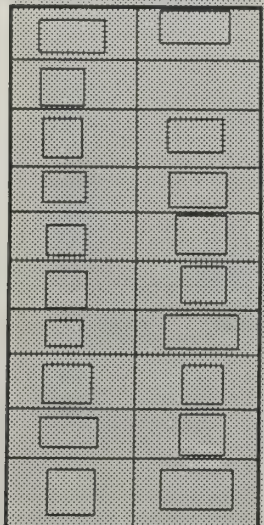
Mc Elroy Rd. E

Avenue

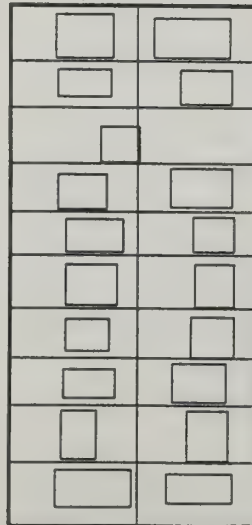
Allenby

Avenue

Howard



UPPER JAMES STREET



South Bend Road West

South Bend Road East

LEGEND



Study Area

Fennell Ave. W

Fennell Ave. E

MAP No. 5

EXISTING SITE PLAN CONTROL

SITE PLAN CONTROL
BY - LAW No. 87 - 12

SITE PLAN CONTROL
BY - LAW No. 83 - 272

SITE PLAN CONTROL
BY - LAW No. 83 - 272

SITE PLAN CONTROL
BY - LAW No. 87 - 222

Monarch Rd.

Wembley Rd.

Street

First

West

UPPER JAMES STREET

Mc Elroy Rd. W

Mc Elroy Rd. E

Avenue

Allenby

Avenue

Howard

South Bend Road West

South Bend Road East

LEGEND



Study Area



Under Site
Plan Control

- 5) In spite of the adjacent commercial concentrations and high traffic volumes, the study area still appears to be a viable residential enclave by virtue of the number of residential uses and the conditions of the buildings.

2.1) Land Use Options

There are 4 land use options that may be considered

- Option 1: Retain the residential uses within the study area and not permit further commercial development.
- Option 2: Permit conversion of existing structures fronting onto Upper James for limited commercial purposes.
- Option 3: Permit redevelopment of Upper James frontage only for commercial and/or mixed commercial/residential uses.
- Option 4: Permit comprehensive redevelopment of both blocks, west of Upper James Street, for commercial and/or mixed commercial/residential uses.

2.1.1) Option 1 - maintains the status quo and does not permit any further commercial intrusion.

Advantages

- No need to expand existing sewer and watermain services.
- No additional potential traffic onto Upper James or local streets.
- No detrimental impact on adjacent residential areas.

Disadvantages

- This option ignores the fact that pressure for commercial redevelopment is likely to increase, without proper policy guidance.
- As Upper James continues to develop as a commercial corridor, the viability of the study area for residential uses will diminish.

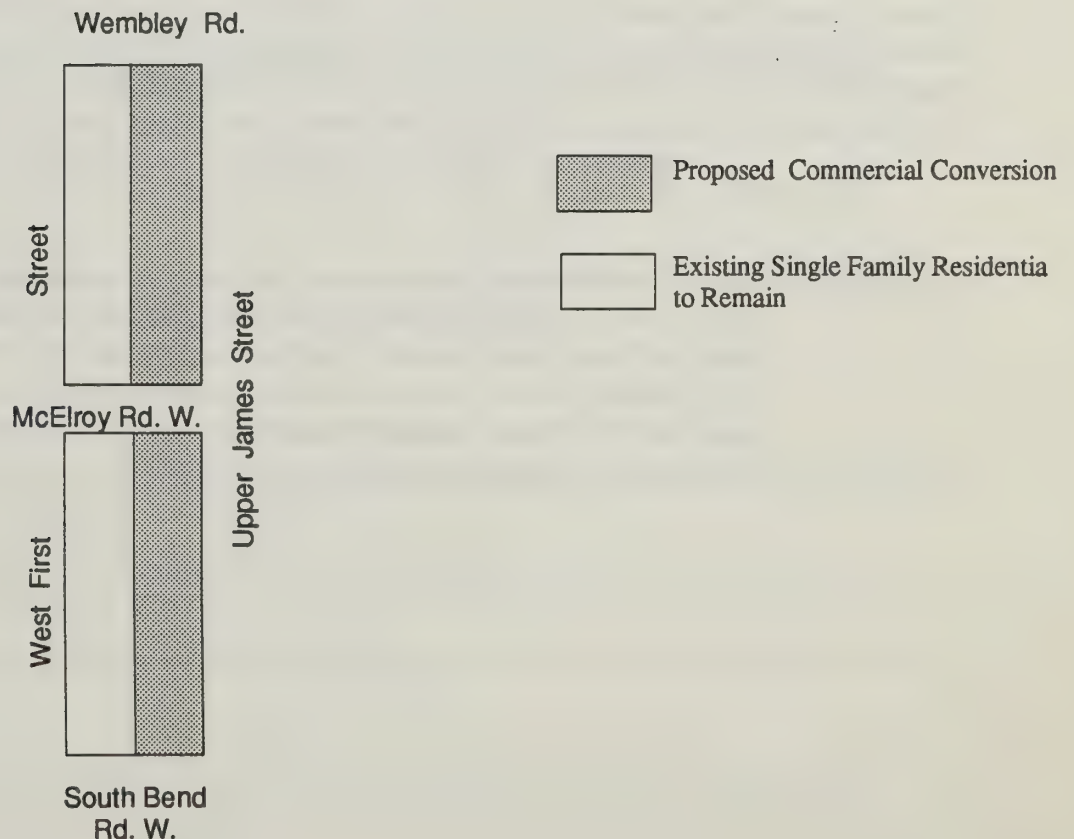
Option 1 is not a desirable alternative as it ignores the potential development pressures along the corridor. As pressure is likely to increase, redevelopment for commercial use appears unavoidable.

- 2.1.2) Option 2 - permits the conversion of the existing structures fronting onto Upper James Street for commercial uses (see below). The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). In order to provide affordable housing in the area, retention of a residential component would be encouraged, (ie. apartments above commercial.) Parking would be required. In addition, the lands would be placed under Site Plan Control to ensure that design aspects such as, access, parking layout, etc., are satisfactory to ensure that any impacts on the adjacent residential area would be negated.

Advantages

- The existing low profile streetscape would be maintained by requiring the retention of the existing structures.

* Option 2



- It would not overburden existing sewers and watermains, given that conversions would be limited to existing structures;
- It would ensure that the uses permitted and zoning standards for those properties fronting on the west side of Upper James Street between Fennell Avenue and Southbend Roads would be consistent.
- The impact on adjacent residential uses would be minimal in that conversion is contained to the existing building.
- Increase in traffic and parking on the adjacent local streets would be minimal.

Some affordable housing would be retained.

Disadvantage

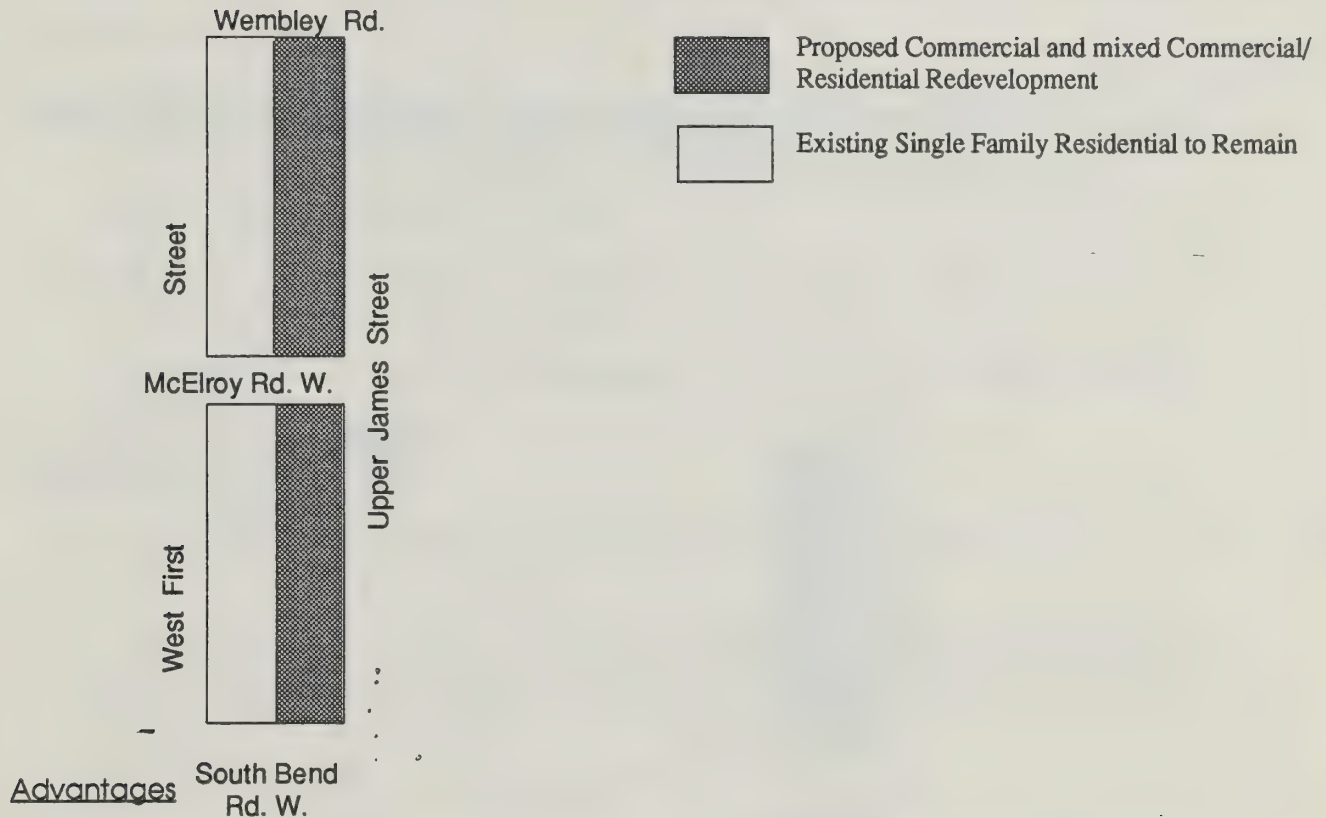
- Large number of accesses onto Upper James Street, due to individual driveways, could have an impact on traffic.

The only disadvantage is the numerous accesses onto Upper James Street. However, shared accesses and parking areas for adjacent commercial uses could be encouraged to alleviate potential traffic problems. Further, it should be noted that the Traffic Department has not indicated the individual accesses to be a concern.

As seen above, the advantages of this Option greatly outweigh the one disadvantage. Existing services would be adequate for the proposed redevelopment, the impact on the adjacent residential area would be minimal, the existing low profile streetscape would be maintained, and uses permitted would be consistent with other commercial uses in the area.

- 2.1.3) Option 3 - anticipates the redevelopment of the Upper James frontage for commercial and/or mixed commercial/residential uses (see below). Existing residential uses on West First Street would remain. Due to the small size and fragmented ownership of properties, it is likely that at least two or more properties would have to be assembled and redeveloped in order to accommodate setbacks, parking, landscaping and other performance standards.

* Option 3



- There may be fewer access drives onto Upper James Street, reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed commercial/residential uses, and/or retirement home, ie. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

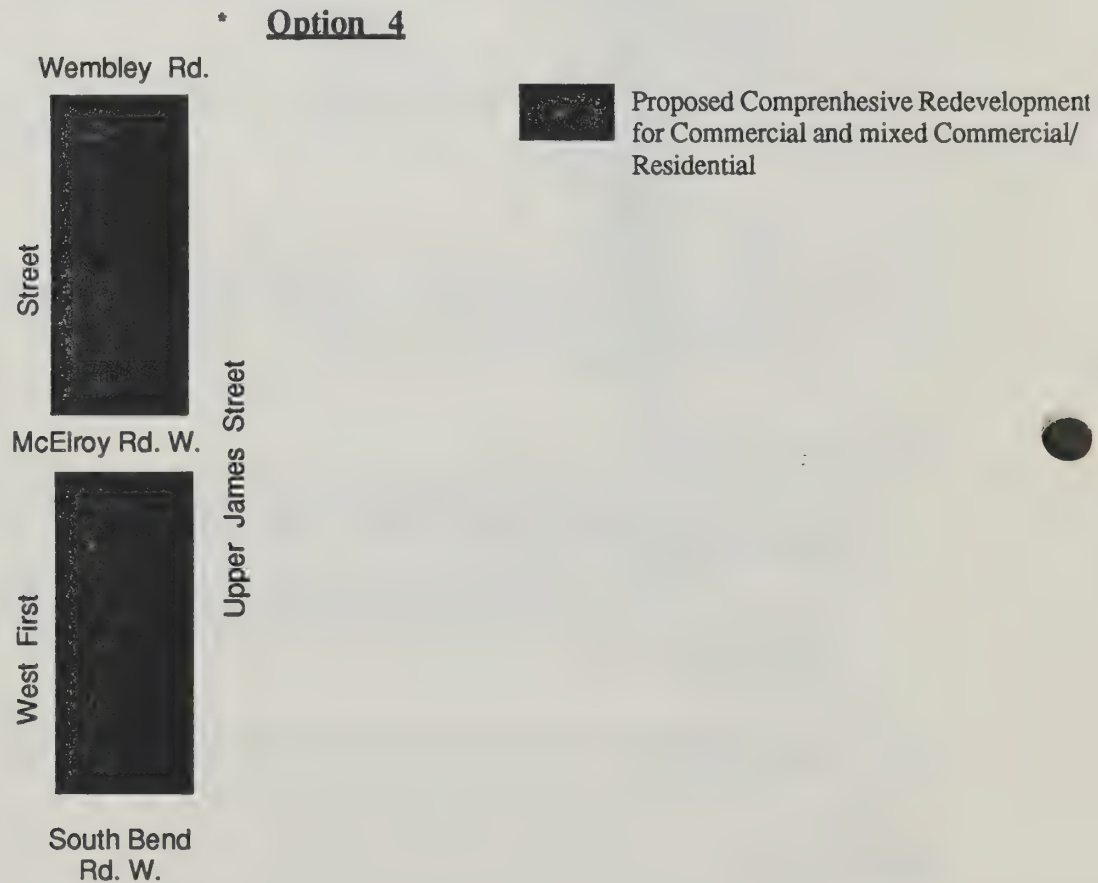
Disadvantages

- There would be some impact on adjacent residential uses, ie. increased noise, increased traffic, overflow parking, visual impacts.
- It is likely that the sewer system would have to be upgraded to accommodate the increased development.
- The properties are too small in size to be redeveloped individually, land assembly would be required.

There are a number of disadvantages that make this Option considerably less feasible than Option 2. One disadvantage is the upgrading of the existing sewer system which would be necessary to service the area, a large portion of the cost which would be borne by the Region.

In addition, some land assembly would be required for redevelopment. Also, the potential for detrimental impact on the adjacent residential uses would be greater.

2.1.4) Option 4 - calls for the complete redevelopment of the entire study area, for commercial, or mixed commercial/residential purposes (see below).



Advantages

- This option would provide for larger developments which could meet the Zoning requirements (H District) or the performance standards.
- As in Option 3, there would be fewer access drives onto Upper James Street, thus reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed uses and/or retirement home, ie. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

- Both the sewer and watermain systems would have to be upgraded to serve the area with a satisfactory level of engineering services.
- It would result in the intrusion of commercial development into the stable residential areas in the interior of the neighbourhoods. Some impact on the adjacent residential area would be expected, such as: increased noise; visual impacts; additional traffic and/or spill over parking on residential streets.
- Extensive land assembly would be essential.

Again, there are a number of drawbacks associated with this Option. Existing engineering services are inadequate to service redevelopment of this extent. Upgrading of both the sewer system and the watermain system would be required. Complete redevelopment of the entire blocks for commercial or mixed commercial/residential uses would cause an intrusion of commercial uses into a stable residential area. Associated traffic and spill over parking would likely impact the adjacent residential area. Further, extensive land assembly would be required for this Option.

3.0) Proposed Land Use Strategy and Implementation

Based on the above analysis, it is prudent to formulate a strategy at this time, for the conversion and/or redevelopment of the study area for commercial or mixed commercial/residential use. This will ensure that proper guidelines/policy are in place. If redevelopment is to be permitted in the study area, Option 2 is the least likely to undermine adjacent residential uses, would keep development pressure in check, and would not fuel speculation. A smooth transition from residential to commercial would be able to occur as the demand for conversion increases. As well, Option 2 would provide for redevelopment that would be consistent with the area to the north (Wembley to Fennell). Consequently, Option 2 should be adopted as the Land Use Strategy for the area.

The implementation strategy is outlined below and would require amendments to the Official Plan and Zoning by-law, the establishment of Site Plan Control and adoption of Development Guidelines.

3.1) Official Plan Amendment

To implement Option 2 an Official Plan Amendment would be required to:

- i) Redesignate the subject lands, from "Residential" to "Commercial"; and
- ii) Establish a new Special Policy Area for the subject lands to:
 - limit the types of commercial uses permitted;
 - to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;
 - to restrict commercial uses to the existing buildings, or where existing buildings are destroyed new buildings with the same external building dimensions;
 - to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistent with those structures in the established area;
 - to encourage proponents for redevelopment to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of accesses onto Upper James Street. In this respect, redevelopment proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;
 - to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,
 - to require adequate buffering (ie. landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses.
- iii) To delete "Special Policy Area 38", applicable to the lands known as 678 Upper James Street. The provisions of the new Special Policy Area, as set out by ii) above, should be applied to 678 Upper James Street, to ensure comprehensive policy for the entire area.

3.2) Zoning By-Law Amendment

To implement Option 2 a Zoning By-law amendment would also be required. The subject lands would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, as follows:

D) Permitted uses would be limited to the following:

Residential

- single family dwelling; and,
- one dwelling unit in the same building with a permitted commercial use.

Commercial

- business or professional person's offices;
- photographer's or artist's studio but not including a motion picture studio;
- barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- retail store selling:
 - a) wearing apparel and accessories;
 - b) furniture, homefurnishings, appliances;
 - c) antiques;
 - d) books and stationery;
 - e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - f) cameras and photographic supplies;
 - g) jewellery;
 - h) flowers plants and like goods sold or offered for sale by a florist;
 - i) sale and dispensing of optical goods;
 - j) computer sales and service;
 - k) musical instruments sales and service; and,
 - l) photo copy service;
- retail drug store;
- food store;
- retail variety store;
- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker shop for the sale of plumbing supplies or fixtures or a pet shop; and,
- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library; and
- art gallery;

Accessory Use

- a wall, ground or projecting sign that complies with the following requirements:
 - a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in a area; and,
 - b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- ii) Conversions will be limited to the existing buildings, in accordance with the following provisions:
 - a) All permitted uses will be limited to the existing buildings only.
 - b) Development of vacant lots will be consistent with the established development in the area. As such, the following regulations will apply to the development of vacant lots:
 - a height restriction of 2 storeys;
 - a front yard depth of at least 4.5 meters;
 - a side yard along each side lot line of at least 1.2 meters; and,
 - a rear yard of a depth of at least 7.5 meters.
 - c) Where existing buildings are destroyed, new buildings with the same external dimensions and floor area will be permitted, subject to the regulations set out in ii) b), above.
- iii) Conversions will be subject to the following landscaping and buffering requirements:
 - a) In the event that any of the permitted commercial, institutional or public uses are established, to require:
 - a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and,
 - a 1.5 meter wide landscaped planting strip,
 to be provided and maintained along the entire westerly rear lot line.
 - b) To require all lighting facilities at the rear of the commercial conversions to be installed and maintained so as to ensure that the light is directed away from all adjacent residential areas.
- iv) Parking will be required on the basis of:
 - a) One space for every one dwelling unit for residential uses;

- b) One space for every 19 m² of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);
- c) One space for every 6 children for day nurseries; and,
- d) One space for every 31 m² of floor area for all other permitted uses.

The above parking requirements are consistent with regulations set out in the Zoning by-law.

3.3 Site Plan Control

The subject lands should be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, etc.

3.4) Development Guidelines

The following Development Guidelines would be used when evaluating any proposals for commercial conversion.

- 1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

In order to accommodate the above noted features, proponents will be encouraged to redevelop two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

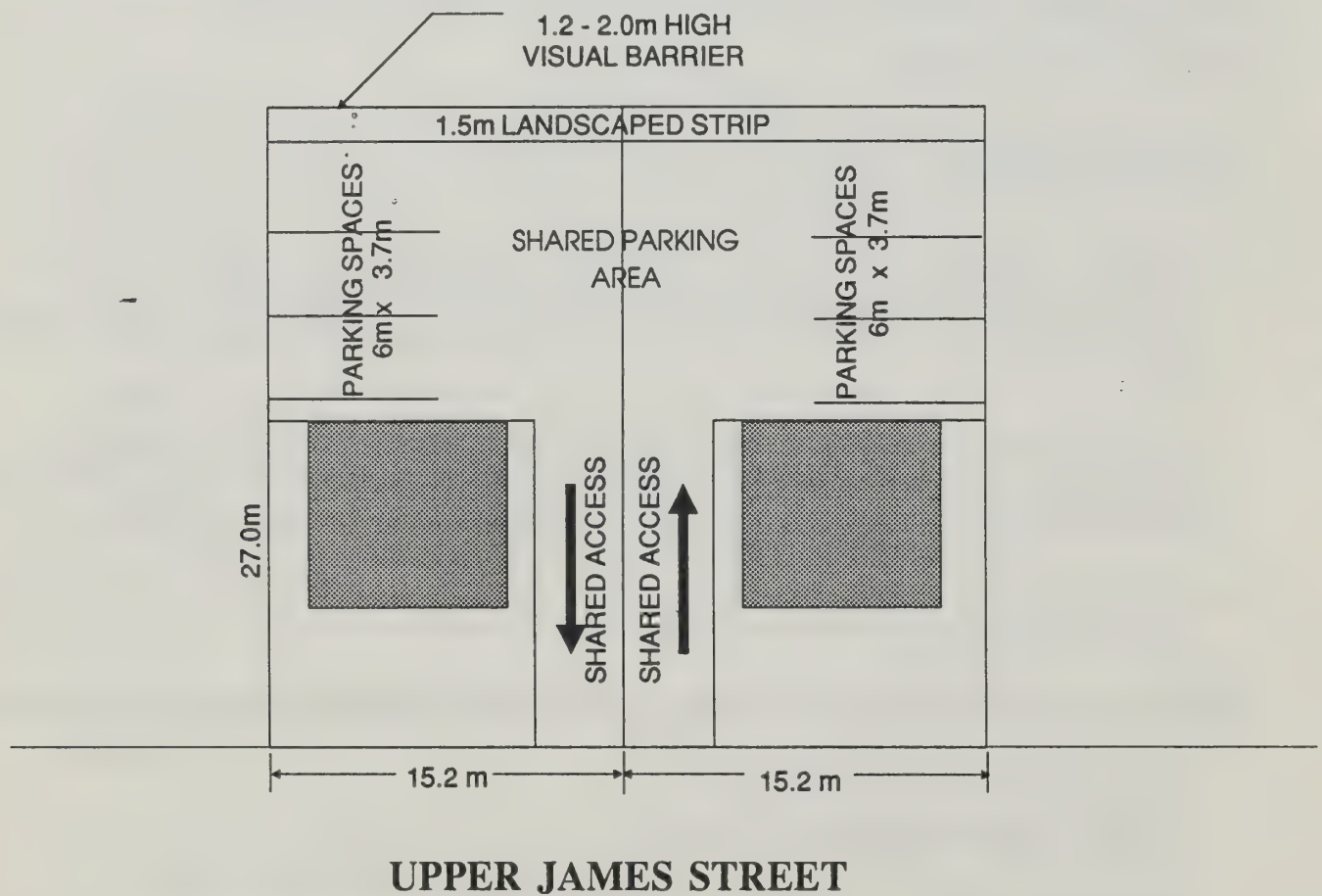
- 2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.
- 3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;
 - 1.2 to 2.0 meter high visual barrier; and,
 - 1.5 meter wide landscaped planting strip,

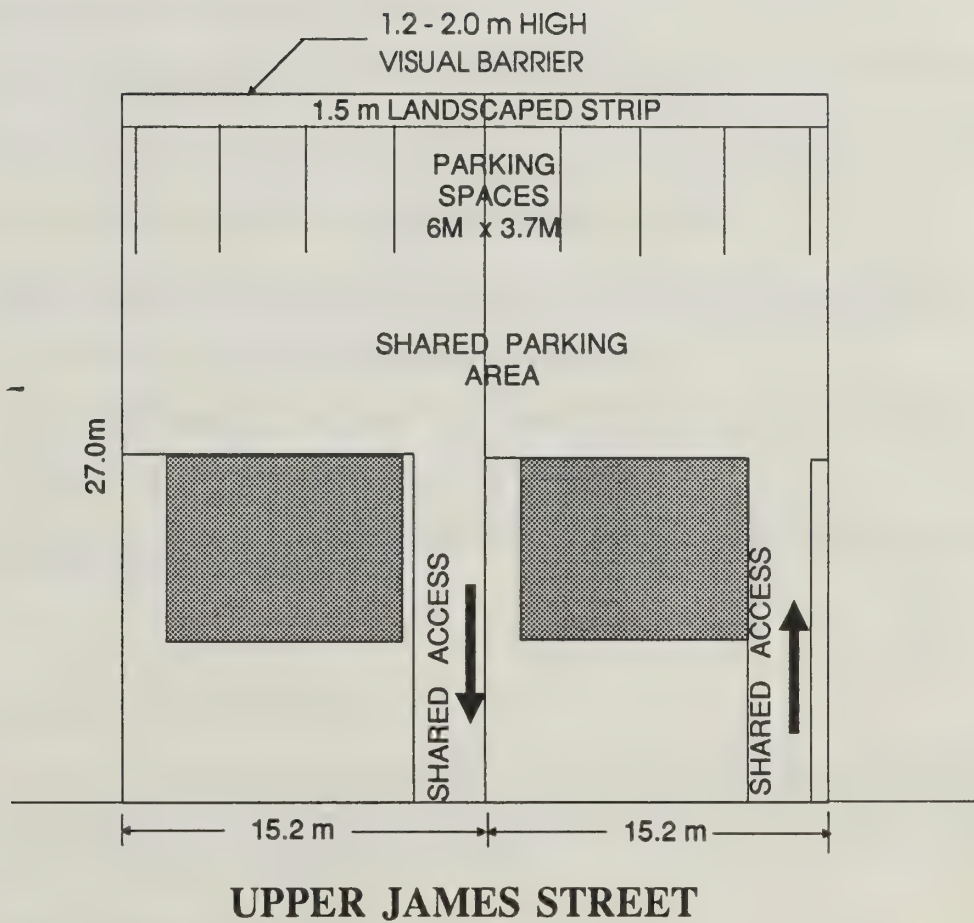
along all rear lot lines.

- 4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.
- 5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.

- 6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.
- 7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will not be of a height sufficient to create a nuisance to adjacent residential uses

Examples of site plans for commercial conversions are shown below.





Detailed Development History

638-672 Upper James Street - North of the Study Area (ZA 80- 31)

The application was denied by Council on the basis of the:

- proliferation of existing commercial development in the surrounding area;
- incompatibility with adjacent land uses;
- creation of traffic hazards given the number of access points onto Upper James (due to individual driveways); and,
- increased traffic generation on local streets due to commercial development.

The appeal was approved by the Ontario Municipal Board, given:

- noise from vehicular traffic has made the occupation of the residences difficult;
- traffic impact on local streets would be insignificant;
- a large percentage of the Upper James Street frontage is used for commercial activities;
- further intrusion into the residential area is unlikely; and,
- impact on abutting residential properties to the rear would be minimal and could be mitigated through buffering.

Accordingly, the OMB directed the City:

- 1) to process an Official Plan Amendment redesignating the subject lands from RESIDENTIAL to COMMERCIAL and creating a Special Policy Area (SPA 19) to allow limited commercial uses within the existing buildings (O.P.A. No. 6);
- 2) to pass an amending zoning by-law:
 - to limit the types of commercial uses to offices, drug stores, grocery stores etc.;
 - to limit these uses to the existing buildings;
 - to require parking at 1 space per 41.8 m² of floor area; and,
 - to allow buildings with the same external dimensions to be built in case of destruction (By-law 83-271); and,
- 3) to place the lands under Site Plan Control (By-law 83-272).

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1990 April 24
COMM. FILE:
DEPT. FILE: CI-89-E

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Regulation of Gun Shops.

RECOMMENDATION

That approval be given to City Initiative 89-E to provide for amendments to Zoning By-law No. 6593 respecting the regulations for establishments selling/repairing firearms, on the following basis:

- i) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

SPECIAL REQUIREMENTS FOR ESTABLISHMENTS SELLING/REPAIRING FIREARMS

- (12) Notwithstanding any provisions of the By-law, any retail store, second hand goods store, pawnbroker's shop, or gunsmith shop used for the sale and/or repair of firearms shall comply with the following:

- a) Display

No window display of firearms shall be permitted.

- b) Location Requirement

A minimum radial separation distance of 300 m shall be provided from the lot line to the lot line of any school.

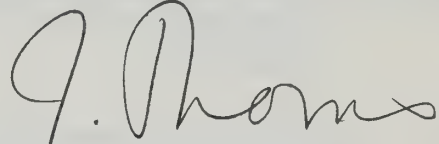
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 to establish new regulations for establishments selling/repairing firearms.

The effect of the By-law is to prohibit the window display of firearms and to require a minimum separation distance of 300 m (1,000 feet) between an establishment selling/repairing firearms and a school.



A.L. Georgleff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

PROBLEM

This review of the regulation of gun shops was prompted by citizens' concerns over the location of a new gun shop in the Kirkendall North Neighbourhood. The issue was raised at the Planning and Development Committee meeting of June 14, 1989. The Committee received a delegation from the community expressing their concerns over the location of a gun shop near a residential area. The concerns raised by the citizens relate to the fact that children may be viewing guns on display in the shop and the possible effects this will have on the children. Compounding this problem is the number of schools in the neighbourhood (three) and the proximity of the shop to residential areas. The Kirkendall North Neighbourhood is primarily residential in nature; the neighbourhood also has industrially zoned land which comprises approximately the western third of the neighbourhood.

The Committee recommended that a Planning Review of Zoning By-law No. 6593 concerning the Location of Gun Shops in the City of Hamilton be conducted.

At its meeting of March 21, 1990, the Planning and Development Committee directed that a public meeting be held in accordance with the requirements of the Planning Act to review the proposed changes to Zoning By-law No. 6593 regarding gun shops.

BACKGROUND

Zoning By-law No. 6593 currently does not define a gun shop as separate and distinct from other retail uses. Gun shops are permitted as-of-right in a broad range of zoning districts under several definitions of use. As advised by the Building Department, the following is a list of permitted uses and zoning districts which are applicable to gun shops.

UseZoning Districts

Retail Store

"G-1" (Designed Shopping Centre) District
 "G-2" (Regional Shopping Centre) District
 "H" (Community Shopping and Commercial, etc.) District
 "HH" (Restricted Community Shopping and Commercial, etc.) District
 "I" (Central Business, etc.) District
 "J" (Light and Limited Heavy Industry, etc.) District
 "K" (Heavy Industry, etc.) District

Retail Store
 (restricted to new goods)

"G" (Neighbourhood Shopping Centre, etc.) District
 "G-4" (Designed Neighbourhood Shopping Area) District
 "HI" (Civic Centre Protected) District
 "CR-1" (Commercial-Residential) District
 "CR-2" (Commercial-Residential) District
 "CR-3" (Commercial-Residential) District

Second Hand Goods Store

"J" (Light and Limited Heavy Industry, etc.) District
 "K" (Heavy Industry, etc.) District
 "M-11" (Prestige Industrial) District

Second Hand Goods Store
 (provided that all display,
 sale and storage are within
 the principal building)

"G-1" (Designed Shopping Centre) District
 "G-2" (Regional Shopping Centre) District
 "H" (Community Shopping and Commercial, etc.) District
 "HH" (Restricted Community Shopping and Commercial, etc.) District
 "I" (Central Business, etc.) District
 "M-12" (Prestige Industrial) District
 "M-13" (Prestige Industrial) District

Pawnbroker's Shop

"G-2" (Regional Shopping Centre) District
 "H" (Community Shopping and Commercial, etc.) District
 "HH" (Restricted Community Shopping and Commercial, etc.) District
 "I" (Central Business, etc.) District
 "J" (Light and Limited Heavy Industry, etc.) District
 "K" (Heavy Industry, etc.) District
 "M-11" (Prestige Industrial) District

Gunsmith Shop

"G-2" (Regional Shopping Centre) District
 "H" (Community Shopping and Commercial, etc.) District

"HH"	(Restricted Community Shopping and Commercial, etc.) District
"I"	(Central Business, etc.) District
"J"	(Light and Limited Heavy Industry, etc.) District
"K"	(Heavy Industry, etc.) District
"M-12"	(Prestige Industrial) District
"M-14"	(Prestige Industrial) District
"M-15"	(Prestige Industrial) District

LICENSING ISSUES

Licensing of gun shops is regulated by the federal government and all businesses that sell firearms or ammunition must comply with these regulations. The regulations include an inspection prior to the commencement of operation, security standards, transaction records, and reference checks on all owners. All gun shops must acquire a license for operation prior to the commencement of operation.

Pawn shops, second hand stores, and hardware stores may sell firearms in addition to other goods. In this case, that portion of the business that sells the firearms or ammunition is also subject to federal regulations and must acquire a federal license. The portion of the business not dealing in firearms or ammunition is licensed by the City of Hamilton. The City's Licensing Administrator has advised that the applicants for licenses of pawn shops or second hand goods stores are also screened to ensure, as much as is possible, the character of the applicant and the legitimacy of the business.

It should be noted that the federal regulations are stringent in terms of who may operate a gun shop and the manner in which a gun shop is run. In this regard, only those weapons in the non-restricted category of firearms may be displayed in a store window. The regulations also require locked storage of all weapons and a burglar alarm system for those businesses selling restricted weapons. Restricted weapons are defined by federal regulations and generally include both semi-automatic and automatic firing guns as well as guns aimed and fired by one hand.

The federal regulations are quite stringent regarding the sale of weapons and should not be interfered with in any manner by the City's Zoning By-law; rather, the Zoning By-law should deal specifically with the location of gun shops. Operational regulations of gun shops are solely a matter of federal jurisdiction.

INFORMATION FROM OTHER MUNICIPALITIES

Eight other municipalities were surveyed for information about zoning regulations pertinent to gun shops. The municipalities surveyed were: City of Burlington, City of London, City of Mississauga, Town of Oakville, City of Oshawa, City of Scarborough, City of Stoney Creek, and the City of Toronto. Information was obtained from each municipality with respect to the zoning districts in which gun shops are permitted as-of-right, and whether or not the municipality has any special regulations regarding their location.

Table 1 summarizes the information obtained from the eight municipalities. All of the municipalities contacted permit gun shops in a broad range of zoning districts. The City of Oshawa is the exception and does not permit gun shops in a "C-4" zone which is intended for large item retail uses such as furniture, cars, and lumber. This restriction is not exclusive to the sale of firearms but relates to all smaller item retail uses. All other municipalities surveyed permit gun shops in all commercial zones, mixed use zones that allow commercial use, and industrial zones. This is the same situation as the current City of Hamilton Zoning By-law.

None of the municipalities contacted have any special regulations regarding the location of gun shops. The City of Toronto requires a 3 m (10 feet) setback from any residential district boundary for commercial and industrial use. This regulation is not specific to gun shops but relates to all commercial and industrial uses. The survey of the eight other municipalities indicates that the current regulations of the City's Zoning By-law are consistent with other municipalities in terms of location and regulation of gun shops.

GUN SHOPS IN HAMILTON

The Chief Provincial Firearms Office has advised that there are fourteen businesses dealing in the sale of firearms in the City of Hamilton (see Table Two). Of these shops, six (Technical Security Systems, G.W. Thompson Company, Vantasy Vans, Netherwood Bullet Manufacturing, Davies Coins and Collectibles, and Al Simmons Gun Shop) are also licensed to sell restricted weapons.

The Police Department has also advised that, until recently, there had been no incidents of crimes committed at the location of the gun shops in the City of Hamilton. On February 24, 1990, a break-in occurred at Al Simmons Gun Shop at 122 Locke Street South. Regional Police arrested the suspected perpetrator as he emerged from the shop. This is the first and only incident of crime occurring at a gun shop in the City of Hamilton, according to the Regional Police Department. The Building Department has advised that they have no record of complaints filed regarding the operation of any gun shops in the City. The Licensing Administrator has advised that, apart from the gun shop on Locke Street, no complaints have been filed regarding gun shops.

COMMENTS

The following is a list of potential options regarding the regulation of gun shops:

i) Window Display

The residents of the Kirkendall North Neighbourhood raised concerns about children viewing weapons in a window display in a gun shop. Current federal regulations prohibit the window display of restricted weapons; only non-restricted weapons may be placed on display, however, they must be securely locked (e.g. cable, chain). The Chief Provincial Firearms

Office has advised that they encourage gun shop operators not to provide window displays and most of them voluntarily comply.

Given the concern of the area residents, the By-law could be amended to prohibit display of weapons which can be seen from the street. This type of restriction is similarly used for home occupations as well as for the commercial conversions in the "E-1" (Multiple Dwellings, Lodges, Clubs etc.) District under the current regulations of the Zoning By-law.

ii) Removal from the "H" District

Eight of the gun shops within the City of Hamilton (including the one on Locke Street South) are located within the "H" (Community Shopping and Commercial, etc.) District. The "H" District is a commercial district which typically fronts onto arterial roads (e.g. King Street, Locke Street, James Street). The "H" District is generally used in the lower City (the "HH" (Restricted Community Shopping and Commercial) District is used for commercial areas on arterial roads for that portion of the City above the Escarpment). The "H" District is located at the periphery of neighbourhoods. Typically, single-family residential development adjoins the rear of the "H" zoned property.

The effect of this option would be to render eight of the fourteen existing gun shops in the "H" District as legal non-conforming uses. Any future proposals to locate a gun shop in an "H" District would necessitate an application for a zoning modification, including notification for and the holding of a Public Meeting in accordance with the requirements of the Planning Act.

iii) Separation Distance

One of the main concerns voiced to the Planning and Development Committee is the effect the presence of a gun shop may have on children, especially in proximity to a school. While there is no evidence regarding such impact, a regulation similar to that undertaken for penny arcades could be implemented. Specifically, Council has an adopted policy respecting criteria for the location of penny arcades. One of these criteria prohibits a penny arcade from being located within 300 m (1,000 feet) of any public or separate, elementary or secondary school. A similar standard could be applied to gun shops.

With respect to the gun shops in the City of Hamilton, seven of the fourteen gun shops are within 300 m of a school. Should Council choose to pursue this option, these seven shops would become legal non-conforming uses. Any future proposals to locate a gun shop within 300 m of a school would require either an application for a minor variance or a site specific zoning application. Both procedures would require Public Notification in accordance with the respective requirements of the Planning Act.

iv) Shopping Centres and Industrial Areas

Many of the commercial districts in the Zoning By-law (e.g. "H", "HH", "I", "CR") typically adjoin residential districts or contain mixed residential and commercial uses. Council may wish to prohibit the location of a gun shop near a residential area by permitting gun shops in industrially zoned areas and shopping centres only. This would permit gun shops only in the following districts:

- "G-1" (Designed Shopping Centre) District
- "G-2" (Regional Shopping Centre) District
- "G-4" (Designed Neighbourhood Shopping Area) District
- "J" (Light and Limited Heavy Industry, etc.) District
- "JJ" (Restricted Light Industrial) District
- "K" (Heavy Industry, etc.) District
- "KK" (Restricted Heavy Industrial) District
- "M-11" (Prestige Industrial) District
- "M-12" (Prestige Industrial) District
- "M-13" (Prestige Industrial) District
- "M-14" (Prestige Industrial) District
- "M-15" (Prestige Industrial) District

Only five of the gun shops within the City of Hamilton are in the above zoning districts. The remaining nine gun shops, if these changes were implemented, would become legal non-conforming uses. Any future proposals to locate a gun shop in other zoning districts (e.g. "H", "HH") would require a site specific zoning amendment. In accordance with the requirements of the Planning Act, a Public Meeting would have to be held.

v) Prohibit Gun Shops

The sale of firearms could be prohibited under the Zoning By-law. The effect of this option would be to render all fourteen of the existing operations legal non-conforming. Any future proposals to establish a new gun shop or relocate an existing one would require a site specific zoning amendment. In accordance with the requirements of the Planning Act, a Public Meeting would have to be held to consider an application.

There is little evidence to indicate that, in the City of Hamilton, the typical spill-over problems associated with a noxious land use (i.e. traffic, noise, litter, pollution, etc.) are identified with the operation of a gun shop. Furthermore, given the stringent licensing regulations governing the operation of gun shops it is anticipated that their safe record of operation will continue. The residents' main concern relates to the influence the presence of a gunshop may have on their children, especially in close proximity to a school. This matter has a social concern rather than a land use problem. There is no evidence to indicate that the presence of a gun shop has any detrimental effect on children, or the surrounding residential neighbourhood. However, given the concerns of these residents, the following changes to the Zoning By-law could be considered appropriate:

- i) That no window display of firearms shall be permitted. Considering that such uses are specialized and not reliant on walk-in trade, such a regulation should not unduly affect the business operation.
- ii) That a minimum separation distance of 300 m (1,000 feet) be required between the location of any gun shop and a school.

The effect of these changes to the Zoning By-law would render any display of weapons in a gun shop operating on the date of the passing of the by-law amendment to be legal non-conforming. Respecting the location of gun shops in the vicinity of a school, seven of the gun shops in the City of Hamilton will become legal non-conforming uses as they are within 300 m (1,000 feet) of a school.

CONCLUSION

Based on the foregoing, the proposed changes to Zoning By-law No. 6593 can be supported.

MLT:ma
WPCI89E

Table One - Review of Gun Shop By-laws

Municipality	Where Permitted	Special Regulations
Burlington	all commercial zones mixed use permitting commercial industrial	none
London	all commercial zones mixed use permitting commercial industrial	none
Mississauga	all commercial zones mixed use permitting commercial industrial	none
Oakville	all commercial zones mixed use permitting commercial industrial	none
Scarborough	all commercial zones mixed use permitting commercial industrial	none
Oshawa	all commercial zones except "C-4" (large item retail i.e. cars, lumber, furniture) mixed use permitting commercial industrial	none
Stoney Creek	all commercial zones mixed use permitting commercial industrial	none
City of Toronto	all commercial zones mixed use zones industrial zones	3 metre setback from residential district boundary

Table Two - Gun Shops in Hamilton

Business Name	Location	Zoning District
Al Simmons Gun Shop	122 Locke Street South	"H" (Community Shopping and Commercial, etc.) District
Technical Security Services	1333 Rymal Road East	"M-11" (Prestige Industrial) District
G.W. Thompson Company	191 King Street East	"I" (Central Business, etc.) District
Vantasy Vans	601 King Street East	"H" (Community Shopping and Commercial, etc.) District
Davies Coins and Collectibles	1279 Main Street East	"H" (Community Shopping and Commercial, etc.) District
Netherwood Bullet Manufacturing	80 Hempstead Drive	"M-14" (Prestige Industrial) District
McVey's Sales	583 Barton Street East	"H" (Community Shopping and Commercial, etc.) District
Rod and Gun	96 Kenilworth Avenue North	"H" (Community Shopping and Commercial, etc.) District
H. Williams and Company	138 James Street North	"H" (Community Shopping and Commercial, etc.) District
Adams Warehouse	193 Cavell Street	"JJ" (Restricted Light Industrial) District
Canadian Tire	1089 Barton Street East	"H" (Community Shopping and Commercial, etc.) District
Canadian Tire	304 Main Street East	"H" (Community Shopping and Commercial, etc.) District
Canadian Tire	777 Upper James Street	"G-1" (Designed Shopping Centre) District
Canadian Tire	601 Upper Gage Street	"G-1" (Designed Shopping Centre) District

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1990 May 10th

URBAN MUNICIPAL

GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1990 April 4th.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 May 2nd.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch.

c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1990 April 4
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Drury
Alderman M. Kiss
Alderman D. Christopherson
Alderman W. McCulloch
Alderman D. Ross

Regrets: Alderman F. Lombardo, Vice-Chairman
- Family Business
Alderman H. Merling - Vacation

Also present: Alderman T. Jackson
Alderman T. Murray
Alderman B. Hinkley
Mr. Kelterborn, Hamilton Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. R. Karl, Traffic Department
Mr. P. Lampman, Building Department
Mr. B. Allick, Building Department
Mr. D. Pickard, Building Department
Mr. J. Robinson, Community Development
Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Swartz, Regional Planning Department
Mrs. N. Chapple, Architectural Historian,
L.A.C.A.C., Planning Department
Mr. D. Godley, Planning Department
Mrs. J. Hickey-Evans, Planning Department
Ms. Patrice Noé Johnson, City Solicitor
Ms. J. McNeilly, Community Development
Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Mallard, Planning Department
Mr. P. Hooker, City Solicitor's Office
Mrs. C. Floroff, Planning Department
Mr. G. Groppler, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held
Wednesday, 1990 March 7 and approved these minutes.

Minutes - 1990 March 7th.

The Committee was in receipt of a report from the Building Commissioner
dated 1990 March 27, respecting Demolition Permit Applications.

Demolition Permit
Applications.

Alderman Jackson expressed concerns on the property located at 843
Mohawk Road East. He requested that demolition be postponed until the
building permit has been issued.

- 843 Mohawk Road East.

Accordingly, the Committee approved the following:

That the provisions of the Demolition Control By-law be applied to
the property located at 843 Mohawk Road East.

NOTE: The Demolition Control By-law may be applied to any
residential property in the City and may be invoked by Council to
delay the issuance of a demolition permit until a building permit
has been issued to erect a new building on the site of the
building to be demolished.

- 197 and 211
Stone Church Road East.

The Committee then approved the following demolition permit applications:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 197 Stone Church Road East.
- (b) 211 Stone Church Road East.

Appointment of Inspectors
under The Building Code
Act.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 19, respecting Appointment of Inspectors under the Building Code Act.

The Committee approved the following:

That the City Solicitor be authorized to amend By-law 87-312 as follows:

- (a) That Section 9(a) be amended by adding the name:
Gene Penko
- (b) That Section 9(a) be amended by deleting the name:
George Bowring

Building Department
Permit Fees and Other
Charges - Proposed
Increase for 1990.

The Committee was in receipt of a report from the Building Commissioner dated 1990 March 21, respecting Building Department Permit Fees and Other Charges - Proposed Increase for 1990.

The Committee approved the following:

- (a) That the City Solicitor be directed to prepare By-laws effective 1990 July 1, to amend fees charged by the Building Department as follows:
 - (i) That the Building Code By-law 85-86 be amended to adjust the basic building permit fee from \$25. to \$50.
 - (ii) That the Property Standards By-law 74-74 be amended to adjust the basic fee for a certificate of compliance from \$150. to \$200.
 - (iii) That the Building Code By-law 85-86 be amended to adjust the basic fee for demolition from \$100. to \$200.
- (b) That the fees for property reports and zoning verifications be changed from \$20. and \$30. respectively, to a fee of \$35. effective 1990 July 1.

City Initiative on a
Zoning change re:
parking requirements for
commercial development
in the Central
Business District.

The Committee was in receipt of a memorandum from the Secretary of the Finance and Administration Committee dated 1990 March 29, advising that City Council at its meeting held 1990 March 27, referred Section 2 of the Ninth Report of the Finance and Administration Committee to the Planning and Development Committee with the direction that appropriate Public Hearings be held as a City Initiative in order to implement a required Zoning By-law change with respect to Parking Requirements for Commercial Development in the Central Business District.

The Committee discussed this matter at some length and approved the following recommendation:

That prior to implementation of the Capital Expansion Plans for parking for the Central Business District as outlined in the Report of the Parking Authority endorsed by the Finance and Administration Committee on 1990 March 22nd, a public meeting be held by the Planning and Development Committee to receive input on the philosophy of the placement of parking structures in the downtown area.

NOTE: For the information of the members of City Council, Staff have been requested to provide a report to the Planning and Development Committee on the downtown parking discussions of the Ad Hoc Parking Committee and the Hamilton Parking Authority.

Also, further to the directions of City Council, a Public Meeting of the Planning and Development Committee will be held to consider a City initiative for a zoning change respecting parking requirements for commercial development in the central business district as well as the "cash-in-lieu" policy for this area.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 29, respecting Phase IV of the Downtown Action Plan, Implementation of Sanitation Study Recommendations; Public Service Announcement. The Committee approved the following:

- (a) That, the following prizes be awarded to Mohawk College, Broadcasting students for their submissions in the Public Service Announcement Competition:
 - (i) First prize - Mr. J. Bradley, Production of "Downtown" - \$500.
 - (ii) Second prize - J. Needham - Production of "Heart of the City" -for technical merit - \$250.; and,
- (b) That, a five hundred dollars (\$500.) donation be given to Mohawk College of Applied Arts and Technology for the use of equipment and materials during the competition of the Public Service Announcement.
- (c) That, the prizes referenced in (a) above be presented to the winners at City Council on 1990 April 10, by Mayor Robert M. Morrow and Alderman Hinkley, Chairman of the Keep Hamilton Clean Citizens' Committee.

NOTE: Since the winning Public Service Announcement is scheduled to be released to coincide with Pitch-In Week 1990 May 07 to 13, it is critical that the awards be distributed at the 1990 April 10 City Council meeting. Funds for these awards are available in Phase IV of the Downtown Action Plan.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 28, respecting Crown Point West/Stipeley P.R.I.D.E. Programme; Glendale Spinning Mills Loading Area Access Problems adjacent to Belview Park.

The Committee approved the following:

- (a) That, for the purpose of providing a truck turning area in Belview Park (Holy Name of Jesus Park site), the residents within a 400 foot radius of this alteration be circularized to gain public input regarding the proposed park design; and,
- (b) That, subject to the results of this circularization, a portion of Belview Park be reopened as road allowance to enable trucks destined for Glendale Spinning Mills to safely access the Spinning Mills' loading area; and,
- (c) That, the City Solicitor be authorized to prepare the necessary By-law establishing a 20 metre wide road allowance on Belview Avenue at Primrose Avenue.

NOTE: Belview Park is being developed as part of the Crown Point West/Stipeley P.R.I.D.E. Programme. Funds for the estimated cost of this work of \$10,000. - \$12,000. are available in Crown Point West/Stipeley P.R.I.D.E. Programme Phase II. A change order to the construction contract with McLean Peister Limited will be required.

Phase IV, Downtown
Action Plan,
Implementation of
Sanitation Study
Recommendations;
Public Service
Announcement.

Crown Point West/
Stipeley P.R.I.D.E.
Programme; Glendale
Spinning Mills
Loading Area Access
problems adjacent to
Belview Park.

Commercial Facade Loan
Programme Application -
80-82 James Street North.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 13, respecting a Commercial Facade Loan Programme Application for property at 80-82 James Street North.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000) be approved for 80-82 James Street North, Goritsas Brothers Limited c/o John Goritsas. The interest rate will be 7-1/8 percent, amortized over 10 years.

Registration of a Loan
on the Tax Roll -
Ontario Home Renewal
Programme.

The Committee was in receipt of a Private and Confidential Report from the Director of Community Development dated 1990 March 19, respecting the Registration of a Loan on the Tax Roll under the Ontario Home Renewal Programme. The Committee approved that this action be taken.

Main Street West Road
Reconstruction - Western
Gateway to Hamilton.

The Committee was in receipt of a report from the Director of Community Development dated 1990 March 29, respecting Main Street West Road Reconstruction - Western Gateway to Hamilton.

The Committee approved the following:

- (a) That, the treatment of sidewalks on Main Street West from the Highway 403 exit ramp to Locke Street be the same as that scheduled to be implemented on Main Street West from Locke to Queen Streets within the B.I.A.; and,
- (b) That, subject to approval of (a) above, a recommendation be forwarded to the Finance and Administration Committee for their consideration of funding of the Highway 403 to Locke Street portion of the reconstruction project.

NOTE: The Regional Engineering Department is reconstructing Main Street West from the Highway 403 exit ramp to James Street under the 1990 Road and Sidewalk Reconstruction Program. In co-operation with them, the Community Development Department, through the Commercial Improvement Programme, provided funds to upgrade the streetscaping within the Business Improvement Area only (Main Street West from Locke to Queen Streets).

Supply and Delivery of
Office Furniture -
Community Development
Department.

The Committee was in receipt of a report from the Manager of Purchasing dated 1990 March 19, respecting Supply and Delivery of Office Furniture - Community Development Department.

The Committee approved the following:

That a purchase order be issued to C.T.I. Business Furnishings, Mississauga, in the amount of \$12,183.30 for the supply and delivery of office furniture, Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) complete quotations received. Funds provided in various Office Furniture Accounts.

Stage II Funding -
Central Business
District Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 14, respecting Stage II Funding - Central Business District Study.

The Committee approved the following:

- (a) That Hamilton City Council apply to the Ministry of Municipal Affairs for the second stage of funding for the Central Business District Study;
- (b) That the Regional Municipality of Hamilton-Wentworth be asked to endorse the request; and,

- (c) That the City Clerk carry out these recommendations.

NOTE: The Central Business District is half completed and funds (about \$12,000.) for the final portion of the study now need to be requested.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 March 28, respecting Lease Agreement - Pigott Lobby Windows.

Lease Agreement -
Pigott Lobby
Windows.

The Committee approved the following:

- (a) That Section 23 of the Fourth Report for 1990 of the Planning and Development Committee as approved by City Council on 1990 February 13, respecting the preparation of a sale agreement for the Pigott Lobby windows be rescinded;
- (b) That the City Solicitor be authorized and directed to prepare the appropriate lease agreement between the property owner and the City;
- (c) That Reemark Heritage Gardens Ltd. pay to the City a one-time payment in the amount of \$15,000. and a \$1.00 per year payment for 99 years to lease the Pigott stained glass windows from the City;
- (d) That approval of the said lease agreement be subject to the satisfactory arrangement of the installation and the permanent protection of the windows in the Pigott building lobby between the City and the property owner;
- (e) That the Heritage Hamilton Foundation be reimbursed for their contribution (\$3,240.) for the purchase of these windows and that the remaining monies received from Reemark Heritage Gardens Ltd. for the leasing of these windows be returned to the City (Reserve Fund for the Acquisition of Historic Properties); and
- (f) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 March 27, respecting Heritage Easement - Stinson Street School.

Heritage Easement -
Stinson Street
School.

The Committee approved the following:

- (a) That a Heritage Easement be signed between the City of Hamilton and the Hamilton Board of Education for the designated property known as the Stinson Street School at 180 Stinson Street as a prerequisite for the provincial Community Facilities Improvement Program (C.F.I.P.) grant;
- (b) That the City Solicitor be authorized and directed to take appropriate action to implement this Heritage Easement.

NOTE: The Ministry of Culture and Communications through its C.F.I.P. funding has awarded a matching grant of \$147,200. to the Hamilton Board of Education for restoration of the Stinson Street School.

Alderman J. Smith spoke to the Committee on his request that Staff be authorized to attend an upcoming Ontario Municipal Board Hearing should one arise with respect to a Land Division Committee decision on property at 734 7th Avenue.

O.M.B. Hearing - Staff
to attend - Land
Division Committee -
734 7th Avenue.

Accordingly, the Committee approved the following:

That the appropriate City Staff be authorized to attend an upcoming Ontario Municipal Board Hearing to defend the City's position on a Land Division Committee decision, respecting property at 734 7th Avenue.

Evening Meeting -
P & D - Upper James
Street Land Use Review.

Alderman Ross spoke to the Committee and requested consideration that an evening meeting of the Planning and Development Committee be held in order to consider the Upper James Street Land Use Review. The Committee discussed this and decided that an evening meeting was unwarranted in this instance.

Strathcona Firehall -
Victoria Park -
City Initiative

The Committee was in receipt of a report from the Secretary of the Strathcona Firehall Action Committee dated 1990 March 19, respecting Strathcona Firehall - Relocation to Victoria Park.

Alderman McCulloch briefly outlined the history of the Strathcona Firehall and requested that a City Initiative be undertaken by the Planning Department to rezone Victoria Park to allow the placing of the Strathcona Firehall on that property for museum use.

Alderman McCulloch stressed to the Committee that the purpose of starting the City Initiative at this point, is a matter of timing and does not commit the City to undertaking moving the Strathcona Firehall Building from its present location.

Accordingly, the Committee agreed that a City Initiative be undertaken for the rezoning of Victoria Park, for a museum to be a permitted use.

Zoning Applications.

At this point, the Committee moved to the City Hall Council Chambers to hear Zoning Applications.

ZA90-03 - 41 Rymal
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 23, respecting Zoning Application 90-03, for property located at 41 Rymal Road West.

The Committee approved the following:

That approval be given to Zoning Application 90-03, Ashok Kumar, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit an eight bay self-service car wash and accessory office, for property located at 41 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-320, be further modified to include the following as a special provision:
 - (i) That subsection (a) of Section 2 of By-law No. 89-320 be deleted and the following substituted therefore:
 - (1.) Notwithstanding section 14A(1) of By-law No. 6593, the following Commercial Uses shall be permitted:
 - (a) A coin-operated, manual car wash consisting of not more than eight (8) bays;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1129a, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1129a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for property located at 41 Rymal Road West.

The effect of the By-law is to permit an eight bay, coin-operated manual car wash and accessory office on the subject property.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 28, respecting Zoning Application 89-133, for property at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street.

ZA89-133 - 87,89,91,
93,95 Wellington Street
North and 216 Wilson
Street.

Report of the circularization was given as follows:

834 notices sent 37 in favour 2 opposed

Mr. Fiore Manganiello, owner, for the property spoke to the Committee on the reasons why this Application should be approved. The owner distributed pictures of the area to members of the Committee, as well as letters of submission from:

- (a) Bruno Megna, Megna Real Estate and Insurance Limited Realtor
- (b) Fred J. Robinson, Associated Broker, Royal LePage Real Estate Services Ltd.

The owner also provided a copy of a letter he had sent to Ms. Louise Bolton and Mr. Luigi Muscato, current tenants of the property, advising them of his application for rezoning and offering assistance in finding another location.

Following some discussion on this matter, the Committee approved the following DENIAL recommendation:

That Zoning Application 89-133, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified to construct a two-storey office building, for property located at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street, as shown on the attached map marked as Appendix "B", be DENIED for the following reasons:

- (a) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "High Density Apartments";
- (b) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning districts to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"); The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;
- (c) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area; and,
- (d) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law.

ZA89-126 - south of
Mohawk Road East
between Upper Wentworth
Street and Mall Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 27, respecting Zoning Application 89-126, for property in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road.

The Committee was in receipt of a Letter of Submission from Mr. E. A. Dowler, 395 Mohawk Road East, Apartment 226.

The Committee then approved the following:

That approval be given to Zoning Application 89-126, The Ukrainian Villa of the Resurrection Church in Hamilton, owner and lessee, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the established "E-2" (Multiple Dwellings District (Block "2")), to permit a new 6 storey, 77 unit senior citizens residence, to be connected to the existing senior citizens residence, for property located in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
- (b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593, as amended by By-law 82-99, applicable to Blocks "1" and "2" be further modified to include the following variances as special requirements.
 - (i) That Section 2.(b)(i) of By-law No. 82-99 be amended by changing the number of dwelling units from "100" to "152", and the gross floor area from "7,884.049 square metres" to "10,550.0 square metres";
 - (ii) That the following new subclauses be added to Section 2 of By-law No. 82-99:
 - "(iii) notwithstanding Section 11B(3)(ii)(b) of By-law No. 6593 a minimum side yard of 3.0 m shall be permitted.
 - (iv) notwithstanding Section 18A(14) four parking spaces shall be permitted in the required front yard adjacent to Upper Wentworth Street."
 - (iii) That Section 18A(11)(a) and (12)(b) and (c) shall not apply to the loading space.
- (c) That Schedule "A" to By-law No. 82-99 be amended by adding thereto the lands described as Block "1".
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-789a, and that the subject lands on Zoning District Map E-27 be notated S-789a;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the "E-2" (Multiple Dwellings) District (Block "2"), for property located in the area south of Mohawk Road East, between Upper Wentworth Street and Mall Road, shown as Blocks "1" and "2".

The effect of the By-law is to permit a new 6 storey, 77 unit senior citizens residence to be connected to the existing senior citizens residence.

In addition, the By-law provides for the following variances:

- (a) To permit a combined senior citizen's apartment development having a total of 152 dwelling units and a maximum gross floor area of 10,550.0 m², whereas a 100 unit senior citizen's apartment building having a maximum gross floor area of 7,884.049 m² is permitted;
- (b) To permit a minimum side yard of 3.0 m for the development whereas a minimum side yard of 13.5 m is required;
- (c) To permit four parking spaces in the required front yard adjacent to Upper Wentworth Street;
- (d) To exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m high to 2.0 m high visual barrier between the most westerly loading space and the adjoining residential district to the north.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 28, respecting Zoning Application 90-05, for property bounded by Main Street West, Caroline Street South, George Street and Hess Street South.

ZA90-05 - area bounded by Main Street West, Caroline Street South, George Street and Hess Street South.

Report of the circularization was given as follows:

1,100 notices sent 35 in favour 28 opposed

The Committee was in receipt of a Letter of Submission from the following:

- (a) D. E. McCoy, President, Colours, 32 Hess Street South
- (b) Carol-Ann Nelson, 2105-191 Main Street West

Mr. Rigby, of Hess Street spoke in opposition to this Application and made mention that the parking in Hess Village is very limited now, and that the land of the Applicant is now used for parking. He questioned how many parking spaces in the development would be available for the Public.

The Committee then approved the following:

- (a) That approval be given to Zoning Application 90-05, Beckville Holdings Ltd., prospective owner, requesting a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a further modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3", to permit redevelopment of the lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West and 16 2-1/2 storey townhouse style commercial units fronting onto George Street, as shown on the attached map marked as Appendix "D", on the following basis:
 - (i) That By-laws 77-76, 87-58, and 87-251 be repealed in their entirety;
 - (ii) That Block "1" be rezoned from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District;

(iii) That the "HI" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593, applicable to Blocks "4" and "5", as shown on Appendix "E", be modified to include the following variances as special provisions:

- (1.) That notwithstanding Section 15A(1) of Zoning By-law No. 6593, not more than 409 Class A dwelling units shall be permitted on the lands described as Block "5";
 - (2.) That notwithstanding Sections 15A(1)(ix), 15A(1)(xii), and 15A(1)(xv) of Zoning By-law No. 6593, the premises occupied by the uses shall not be prohibited from having access from or fronting on a street;
 - (3.) That notwithstanding Section 15A(2)(ii) of Zoning By-law No. 6593, the height of any building on Block "5" shall not exceed twenty-three storeys and the height of any building on Block "4" shall not exceed three storeys;
 - (4.) That notwithstanding Section 15A(2)(ii) of Zoning By-law No. 6593, a side yard of not less than 1.0 m in width shall be provided and maintained along the east and west side lot lines and a side yard not less than 0.5 m in width shall be provided and maintained along the north side lot line;
 - (5.) That Section 15A(3)(ii) of Zoning By-law No. 6593 shall not apply;
 - (6.) That notwithstanding Section 15A(3)(d) of Zoning By-law No. 6593, a gross floor area of not more than 8.4 times the area of the lot shall be permitted;
 - (7.) That Section 4(3)(a) of Zoning By-law No. 6593 shall not apply;
 - (8.) That notwithstanding Section 18A(1) of Zoning By-law No. 6593 a minimum of 453 parking spaces shall be provided and maintained, and the required parking spaces and associated manoeuvring space may be provided partially in the Main Street West road allowance;
 - (9.) That notwithstanding Sections 18A(1)(c) and 18A(1)(d), a minimum of two loading spaces having dimensions of 18.0 m x 3.7 m x 4.3 m shall be provided and maintained;
 - (10.) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, not more than 205 of the required parking spaces located on Block "5" shall have a length of not less than 5.7 m;
 - (11.) That a minimum of 2,081 m² of landscaped area shall be provided and maintained, of which not less than 1,022 m² shall be provided and maintained at grade.
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1171, and that the subject lands on Zoning District Map W-4 be notated S-1171;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
- (vi) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- (b) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the By-law is to provide for a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3".

The effect of the By-law is to permit redevelopment of the subject lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West, and 16 2-1/2 storey townhouse style commercial units fronting onto George Street. In addition, the By-law provides the following variances as special provisions:

- (a) To permit a building with 23 storeys on Block "5" and a maximum building height of 3 storeys on Block "4", whereas 18 storeys are permitted;
- (b) To permit side yards of 1.0 m along the east and west side lot lines and 0.5 m along the north lot line whereas 3.0 m is required;
- (c) To eliminate the rear yard whereas a rear yard of 3.0 metres is required on George Street;
- (d) To permit the buildings to have a maximum of 8.4 times lot coverage whereas 8.0 times coverage is permitted;
- (e) To permit two large loading spaces whereas four loading spaces (three large and one small) are required;
- (f) To require 453 parking spaces and to permit 205 of the required parking spaces to have a minimum length of 5.7 m whereas 6.0 m is required;
- (g) To provide a landscaped area of 2,081 m² (22,400 square feet) on the lot, of which not less than 1,022 m² shall be provided at grade whereas no landscaping is currently required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 27, respecting Neighbourhood Plan Review, north-west part of the Crerar Neighbourhood.

The Committee approved the following:

That the Neighbourhood Plan changes for the north-west part of the Crerar Neighbourhood, as shown on the attached map marked as Appendix "F" be adopted by Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 26, respecting Proposed Draft Plan of Subdivision Application 89-19, for property located south of the future Mountain Freeway and east of Upper Wellington Street.

The report also contained information for a Zoning Application 89-98, for property east of Upper Wellington Street, and south of the proposed Mountain Freeway. The report also contained information on Zoning Application 89-131, for property located on the east of Upper Wellington Street, south of the proposed Mountain Freeway. The report further contained a report on an amended Zoning Application 89-132, for property located east of Upper Wellington Street and south of the proposed Mountain Freeway.

Neighbourhood Plan Review - north-west part of the Crerar Neighbourhood.

Subdivision Application 89-19 - south of the future Mountain Freeway and east of Upper Wellington Street.

The Committee was in receipt of a Letter of Submission from Donald J. Logan, Planning Consultant, Miller O'Dell Planning Associates.

Mr. J. Swartz of the Regional Planning Department advised the Committee that the Application should be amended to reflect only the names of Mr. M. Wasserman as the sole owner, rather than the three co-owners as originally noted in the report.

Some discussion also ensued with respect to the determination of the value of the remaining lands from the 5% of the lands included in the Subdivision Application for park purposes which is to be considered by the Parks and Recreation Committee.

The Committee then approved the following recommendation, with respect to the Subdivision Application:

- (a) That approval be given to Subdivision Application 89-19, M. Wasserman, owner, to establish a draft plan of subdivision, located south of the future Mountain Freeway and east of Upper Wellington Street, subject to the following conditions:
 - (i) That approval apply to the plan prepared by A. J. Clarke, dated 1989 September 20, revised on 1989 March 23, and further revised to show 137 lots, 3 blocks (Blocks "138", "139" and "140") for attached housing, 2 blocks (Blocks "145" and "146") as a road widening, 1 block (Block "144") for a grade separation, 2 blocks (Blocks "147" and "148") as a 0.3m reserve and 1 block (Block "141") for development with adjacent lands.
 - (ii) That the streets be dedicated to the City of Hamilton as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton.
 - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the Parks and Recreation Committee be requested to consider the conveyance of 5% of the lands included in the Subdivision Application Plan 89-19 by M. Wasserman for park purposes, and that the value of the remaining lands which are to be acquired by the City of Hamilton be determined.
 - (viii) That the open side of the road allowance be terminated with a 0.3m reserve (Blocks "147" and "148") to be conveyed to the City of Hamilton and be held by the City until required for development of the adjacent lands.
 - (ix) That Block "141" be conveyed to the City of Hamilton and be developed only in conjunction with adjacent lands.

- (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway on Block "138" and Lots 60 to 83 inclusive for the purpose of constructing a landscaped noise barrier.
 - (xi) That the owner agree to provide appropriate access to Lots 82, 83 and 137 to the satisfaction of the City of Hamilton.
 - (xii) That a twelve (12) metre by twelve (12) metre daylight triangle be established from the widened limits at the intersection of Upper Wellington Street and Sirente Drive.
 - (xiii) That the centreline radius of all streets with curves are to have a minimum of 110 metre radii, except for the centreline radius of Sirente Drive between the north-south leg of Crescent "A" and Court "B". The centreline at this point is to be established at a 250 metre radius in order to provide proper sight distances at Crescent "A".
 - (xiv) That Marlene Drive (now known as Cyprus Drive), is to be established at its full width in conjunction with the registration of the Final Plan.
 - (xv) That a two (2) metre by two (2) metre daylight triangle is to be established on the corner of Lot 84.
 - (xvi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xvii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-19), M. Wasserman, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the changes to the Crerar Neighbourhood, as shown on the recommended plan for this subdivision, be approved by the Council of the City of Hamilton.

With respect to Zoning Application 89-98, for property located east of Upper Wellington Street, south of the proposed Mountain Freeway, the Committee approved the following:

That approval be given to Zoning Application 89-98, Marvin Wasserman, owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), to permit the development of the subject lands for a park (Block "1"), single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, as shown on the attached map marked as Appendix "G", on the following basis:

ZA89-98 - east of Upper Wellington, south of the proposed Mountain Freeway.

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (c) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 8593 and Zoning District Maps E-18B and E-18C for presentation to City Council;
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.

The effect of this by-law is to retain Block "1" for open space purposes and to permit the development of the remaining lands for single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3").

ZA89-131 - east of Upper Wellington, south of the proposed Mountain Freeway.

With respect to Zoning Application 89-131, for property east of Upper Wellington Street and south of the proposed Mountain Freeway, the Committee approved the following:

- (A.) That Zoning Application 89-131, Marvin Wasserman, owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for an apartment building having a maximum height of eight (8) storeys, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6" on the attached map marked as Appendix "H", be DENIED for the following reasons:
 - (a) The proposed amendments to the Crerar Neighbourhood Plan designate the lands for "Park and Recreational". It is intended that this site, as well as the site to the east (i.e. Block "1") be retained as a woodlot, since it is a unique natural feature.
 - (b) It is an inappropriate land use given its location within the interior of the neighbourhood. Higher density uses should be more appropriately located on the periphery of the neighbourhood (Upper Wellington Street).
- (B.) That approval be given to an amended Zoning Application 89-131, Marvin Wasserman, owner, requesting a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6") to permit the retention of the subject lands for open space (wood lot purposes) in conjunction with the lands to the east, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6", on the attached map marked as Appendix "G", on the following basis:
 - (a) That Block "6" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6".

The effect of this by-law is to retain Block "6" for open space purposes (woodlot) in conjunction with the lands to the east.

With respect to Zoning Application 89-132, for property east of Upper Wellington Street and south of the proposed Mountain Freeway, the Committee approved the following:

That approval be given to an amended Zoning Application 89-132, Marvin Wasserman, owner, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), to permit the development of the subject lands for townhouses, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Blocks "4" and "5" on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "4" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (b) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;
- (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "4", be modified to include the following variance as a special requirement:
 - (i) That Section 10E(2)(a)3. shall be prohibited.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1172, and that Block "4" on Zoning District Map E-18B be notated S-1172;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.

The effect of this by-law is to permit the development of the subject lands for townhouses (Block "4") and street townhouses (Block "5").

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 27, respecting amended Zoning Application 89-55, for property at 286 Sanford Avenue North.

The Staff recommendation recommends DENIAL for this application, for the following reasons:

ZA89-132 - east of Upper Wellington, south of the proposed Mountain Freeway.

Amended ZA89-55 - 286 Sanford Avenue North.

- (a) It conflicts with the intent of the approved Gibson Neighbourhood Plan which designates the subject land "Industrial"; and,
- (b) The Ministry of the Environment has advised that the proposed mitigative measures (e.g. sealed windows, air conditioning) are not acceptable as a means of noise control in this situation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses.

The report of the circularization was given as follows:

137 notices sent 6 in favour 7 opposed

The Committee was in receipt of the following Submissions:

- (a) S. Joginder, 72 Calderbridge Crescent, Unionville, Ontario.
- (b) Executive Director, Housing Help Centre - Hamilton-Wentworth, 135 Rebecca Street.
- (c) M. B. Foley, Planning Co-ordinator, West Central Region, Ministry of the Environment.
- (d) David Montgomery, Trustee Chairman, Livingston United Church, 200 Sanford Avenue North.
- (e) Grace Mancini, 2 Milton Avenue.
- (f) The United Electrical Radio & Machine Workers of Canada, Local 504.
- (g) Meridian Co-operative Homes Inc.

A representative of Westinghouse Canada and Slater Steel spoke to the Committee and advised that while both companies support affordable housing, they feel that the area of Sanford Avenue North and the Old Westinghouse Office Building is inappropriate for housing. They feel that the area is too industrial and thus incompatible to residential use.

The representative outlined the production of Westinghouse Canada and Slater Steel, as well as a history of their operations in the Hamilton area and the high-density traffic generated due to shift change.

The President of Local 504 of the United Electrical Workers Union spoke to the Committee and expressed their concerns and opposition to the Application in their view that employees have decreased significantly over the years at the Companies, and that jobs are being moved to the States. He added that they fear that adding a residential component in this area may affect the Company's operation in Hamilton.

A representative from the United Steelworkers of America spoke to the Committee and indicated the Union's fear of the impact that the development would have on industries and job security to the Community.

Mr. Sean Goetz-Gadon, Homestarts and Meridian Co-operative representative, as well as his Associates spoke to the Committee in support of the Application. He spoke to the Committee about the numerous meetings which had been held with all parties and encouraged the approval of this Application.

A representative from the Ministry of Housing spoke to the Committee and advised that she hopes that all parties can reach a resolve to this situation.

Moved by Alderman Drury, seconded by Alderman Christopherson and carried to approve the Application as follows:

- (a) That approval be given to Official Plan Amendment No. 89 to redesignate the lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "I" from "Industrial" to "Residential" and to remove them from "Special Policy Area II", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 89-55, Meridian Co-operative Homes/Homestarts, prospective owner, for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building to a 74 unit (maximum) co-operative/non-profit multiple dwelling on lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
 - (i) That the subject lands be rezoned from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
 - (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 11 of By-law No. 6593 the building existing at the date of passing of this By-law may be converted to a multiple dwelling containing a maximum of 74 dwelling units, provided not less than 30% of the dwelling units shall be designated for the accommodation of elderly persons of at least 60 years of age.
 - (2.) That notwithstanding Section 18A(8) the 4 parallel parking spaces adjacent to the southerly side property line shall have a width of not less than 2.31 m minimum.
 - (3.) That notwithstanding Section 18A(14) parking spaces may be permitted in the required front yard.
 - (4.) That notwithstanding Section 18A Table 1.(g) parking spaces shall be provided and maintained for the multiple dwelling on the following basis:
 - (a) 0.3 of a space per dwelling unit for elderly persons; and,
 - (b) 0.8 of a space per dwelling unit for other than elderly persons.
 - (5.) That Table 3, 2. of Section 18A shall not apply;
 - (6.) That notwithstanding Section 18A Table 6, the required manoeuvring space aisle width for the 4 parallel parking spaces shall be 3.5 m minimum;
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1170, and that the subject lands on Zoning District Map E-21 be notated S-1170;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-21 for presentation to City Council;
 - (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 89 by the Regional Municipality of Hamilton-Wentworth;

- (vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Medium Density Apartments".

NOTE: The purpose of the By-law is to provide for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, for property located at 286 Sanford Avenue North.

The effect of the By-law is to permit the conversion of the existing building to a 74 unit (maximum) co-operative/non-profit multiple dwelling.

In addition, the By-law provides for the following variances as special requirements.

- (a) To require that not less than 30% of the dwelling units shall be designated for the accommodation of elderly persons, of at least 60 years of age;
- (b) To permit 4 parallel parking spaces to have a width of 2.31 m instead of the required 2.5 m minimum (Section 18A.(8)).
- (c) To permit parking spaces in the required front yard (Section 18A(14));
- (d) to require off-street parking on the following basis:
(Section 18AT Table 1.(g))
 - (i) 0.3 of a space per dwelling unit for elderly persons; and,
 - (ii) 0.8 of a space per dwelling unit for other than elderly persons;
- (e) To exempt the development from requiring one large loading space (Section 18A. Table 3.2.);
- (f) To reduce the required manoeuvring space aisle width for 4 parallel parking spaces from the required 3.7 m to 3.5 m minimum (Section 18A. Table 6)

Quorum lost.
Unfinished business
recessed to the next
regular meeting of
the Committee.

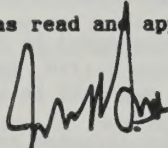
At this point, the Committee lost a quorum and it was agreed that the following Agenda Items would be placed on the next meeting of the Committee as re-scheduled Items from the recessed meeting:

- (a) City Initiative 90-B - Amendments to the "F-3" and "F-4" District regulations.
- (b) Walkway Closure between Cranbrook Drive and Gardiner Drive; Gilkson Neighbourhood.
- (c) Amendment to By-law No. 88-135 - 1489-1545 Upper James Street; Ryckman's Neighbourhood (ZA-87-84).

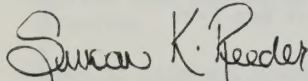
Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,



ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE



Susan K. Reeder
Secretary
1990 April 4



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